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HISTORY OF WEST VIRGINIA



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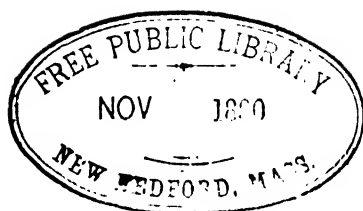
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DRINKING GEORGE'S HEALTH ON THE ALLEGHANIES.

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History of West Virginia.

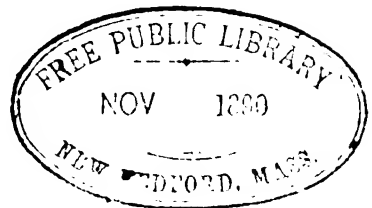
IN TWO PARTS.

BY

VIRGIL A. LEWIS,

CORRESPONDING MEMBER OF THE VIRGINIA HISTORICAL SOCIETY.

"A moment, and the pageant's gone;
The red men are no more;
The pale-faced stranger stands alone
Upon the river's shore."—*Paulding*.



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PREFACE.

IN thus presenting to the public the present volume the author disclaims any merit for it except that of accuracy. All he dares to assert is that he has brought to the task of its preparation an enthusiastic admiration for his subject—an admiration for the men who first dared the perils of the western wilds, and crossing the Rocky Barrier, reared their cabin homes amid the hills and vales of the solitudes of what is now West Virginia—an admiration for these same men who, during the American Revolution, warred alike against the savage from the wilderness and the Briton from the sea—an admiration for their descendants who in later years laid a firm foundation and reared thereon the perfect and enduring Commonwealth. Throughout the work will be found hundreds of the names and many biographical notices of these men—men from whom have descended a large proportion of the population of the State, now numbering nearly three-quarters of a million.

The first inhabitants of West Virginia were as hardy

(5) •

a race as ever braved the dangers of the wilderness. What the Heroic Age was to Greece, the Pioneer Age was to Virginia. Of the men who played their part in the conquest of the wilderness all have fallen by the hand of death, and many of them, whose merits deserved a temple, scarce found a tomb. Time has waged a merciless war upon the memorials of the pioneer age, and if the author has but been able to rescue from oblivion a few of the names of the men who first planted the standard of civilization on the hills and in the valleys of West Virginia, then he is satisfied.

V. A. L.

POINT PLEASANT, W. VA.

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PART I.

CHAPTER I.

INTRODUCTION.

Discovery of America—The Continent First Seen by White Men—The Northmen in America—European Nations Engage in trans-Atlantic Voyage and Discovery—The Spanish, French and English Partition the Continent—Attempts at Colonization—Raleigh's Futile Attempt to Establish a Colony on Roanoke Island.

IN the study of the history of a commonwealth it is necessary that we understand something of the causes which have acted in producing and advancing, or retarding and destroying, the various institutions, civil and otherwise, of that particular commonwealth. Then, that we may intelligently study the history of West Virginia—"The Little Mountain State," the "Daughter of the Old Dominion," born amid the throes of civil war—it is important that we study the causes which led to its settlement and organization as a State.

That the continent was seen by white men, as early as the tenth century, there can no longer remain a doubt. The examination made by recent historians, of Icelandic records and documents preserved in the archives of the Antiquarian Society of Copenhagen, put at rest the long-doubted claim, that the Northmen were the first European discoverers of America. Even so great an authority as Humboldt, after having examined these records, says: "The discovery

of the northern part of America by the Northmen cannot be disputed."

A Norse navigator, in the year 986, A. D., while sailing in the Greenland sea, was overtaken by a storm and driven westward to the coast of Labrador. Several times the shore was sighted but no landing was attempted. The coast was so different from the well-known shore of Greenland, that it was certain that an unknown land was in sight. Returning home, Herjulfson, the commander, and his companions told strange stories of the new land seen in the west.

In the year 1001 the actual discovery of the continent was made by Leif Erickson, who sailed west from Greenland and landed on the coast of America in $41^{\circ} 15'$ north latitude. It was the spring of the year, and from the luxuriant vegetation that everywhere adorned the coast, the Northmen named it Vinland—the land of vines. These adventurers on the deep continued to frequent these shores during the eleventh, twelfth and thirteenth centuries; it was as late as 1347 that they made their last voyage to Labrador.

From these voyages and discoveries nothing whatever resulted. The Northmen themselves forgot the very name of Vinland. The nations of southern Europe never heard of such a land or such a discovery. He that was to announce to these nations the existence of a Western Continent was to come from the classic land of Italy, and the sunny land of Spain, the country under whose auspices the discovery was to be made. The year was 1492, and Christopher Columbus was the name of him whose discoveries, considered in all their bearings upon human history,

are the grandest recorded in the annals of the world. His name is one around which will gather the wreaths of imperishable fame.

No sooner had the existence of a trans-Atlantic continent been made known to Europe than all nations from Scandinavia to the Straits of Gibraltar became frenzied with excitement. A new world, as it were, was to be added to the old. Monarchs, discoverers and adventurers at once rushed forward in quest of an "El Dorado" to be found somewhere beyond the western seas.

Spain prepared for the conquest of her newly acquired possessions, and by a series of splendid triumphs in the south the civilization of the Incas and Montezumas perished from the earth. France was not slow to profit by the discoveries of Columbus. Far away, hundreds of miles toward the Arctic Circle, she took possession of the country lying along the St. Lawrence and around Lake Champlain, and hastened to plant colonies in the same. Between the Spanish possessions on the south and those of France on the north lay a territory extending from the 34th to the 66th parallel of north latitude, and stretching from the Atlantic to the Pacific. England laid claim to all this region, and based her claim upon the discoveries of John and Sebastian Cabot, who were the first to explore the eastern coast of America, they having sailed from Labrador to the capes of Virginia as early as 1498. Nearly one hundred years had passed away since the discovery, and no white man had found a home in all this vast domain. From the Everglades of Florida to the pine-clad hills of Nova Scotia no daring adventurer had planted the standard of civili-

zation on these shores. But now an effort was to be made. It was the year 1583 when a young nobleman, whose life and tragic death were to become familiar to every student of English history, first appeared at the Court of St. James. This was none other than Sir Walter Raleigh, an English soldier, who had taken part in the French Protestant wars, and who now appeared at the British capital to make application for assistance in fitting out an expedition for the purpose of planting a colony in North America. He hoped thus to prevent the Spanish monarchy and the equally intolerant French court from gaining possession of the entire continent to the exclusion of England and her interests. Queen Elizabeth was then on the English throne. Raleigh was young, rich, and fascinating in his address. He soon became a great favorite of the maiden queen, and she gave him a commission making him lord of all the continent of North America lying between Florida and Canada.

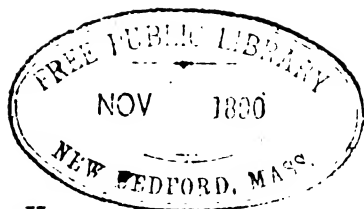
The whole of that part of the continent claimed by Great Britain without any well-defined boundaries was called Virginia, in honor of the maiden queen. Two ships were sent out to make discoveries. They were commanded by experienced officers, and sailed from London in April, 1584, and in July reached the coast of North Carolina, on which a landing was effected. Here they remained until September, when they returned to England and gave such a glowing description of the country which they had visited that seven ships were immediately fitted out, conveying one hundred and eight men, who sailed as colonists to the New World. As the ships neared the Carolina coast they came within sight of the beautiful island of

Roanoke. Charmed with the climate, the friendliness of the natives and the majestic growth of the forest trees, the latter far surpassing anything they had seen in the Old World, they decided to locate on this island. Most of the colonists were men unaccustomed to work and who expected that in some unknown way in the New World wealth would flow in on them like a flood. Not realizing this fond hope, they became disheartened, and when the supply ships arrived bringing abundant supplies they crowded on board and returned to England. Fifteen, however, consented to remain and await the arrival of fresh colonists from the mother country.

In the year 1587 Raleigh sent out another fleet, carrying a number of families destined to augment the Roanoke colony, but when they arrived no trace of the fifteen men who had remained on the island could be found, they having been murdered by the Indians, and it was only by the promise of the commander to hasten back to England and return with reinforcements that they could be prevailed upon to remain upon the island. Shortly after the fleet sailed on the homeward voyage an event occurred which is worthy of note in the history of colonization. This was no less than the birth of the *first white child* born of English parents in North America. She was the daughter of Ananias and Eleanor Dare, and was christened "Virginia," in honor of their adopted country. She was born August 18th, 1587. Her fate is involved in the mystery which enshrouds that of the whole colony.

Scarcely had the ships reached Europe when a war broke out between England and Spain, and the

"Island Empire" brought every available force to bear against her powerful rival, both on land and sea. The Invincible Armada had to be swept from the ocean and the safety of England secured before Raleigh could send aid to his colony on Roanoke. It was 1590 when the vessels were despatched, and when they arrived at the island the commander was alarmed to find that the colony had forever disappeared. Its fate will ever remain a profound mystery. That all fell victims to savage barbarity is most probable. Some writers have indulged the idea that they were merged into the tribe of Tuscarora Indians; but while humanity may dictate such a hope, credulity must entertain a doubt of the hypothesis. This was the last attempt of the noble Raleigh to found a colony in America. Thus he saw the cherished hope of his life end in failure. Soon after an ignominious death upon the scaffold put an end to all his ambitions. The sixteenth century closed and the whole American continent still remained an unbroken wilderness inhabited only by wild beasts and savage men.



CHAPTER II.

THE SETTLEMENT OF JAMESTOWN.

Important Events in the World's History—The London Company—The First Voyage made under its Auspices—First Permanent English Settlement in America—The Beginning—The Government of the Colony—Captain John Smith—His Administration of the Government—His Captivity and Rescue by Pocahontas—Return of Newport—Smith's Explorations.

WE have not space to notice in detail that interesting portion of American history known as the period of "Voyage and Discovery," and therefore pass at once to the results which followed it.

The world was ready for great events. With the fifteenth century came the revival of learning in Europe. Copernicus had systematized the universe; Vasco da Gama had doubled the Cape of Good Hope, and Portuguese navigators were steering their ships over Indian seas; the Turks had entered Europe and made Constantinople the capital of the Mohammedan world; Amerigo Vespucci's first account of the Western World had been published and eagerly read all over Europe; Grecian scholars had crossed the Alps and laid the foundation for that intellectual development which was to dispel the darkness and gloom that had enshrouded Europe during the long period of the Dark Ages. The printing press came just in time to supply the demand which the thirst for knowledge had created, and now the next great event in the world's history was to be the founding of a permanent English colony in the New World.

One hundred and fifteen years had passed away since that October morning when Rodrigo Trianna set up the cry of "Land," and it was now the year 1606. In that year James I. granted to a company of wealthy London merchants a patent for all that part of North America lying between the 35th and 40th degrees of north latitude. The London Company had as the object of its creation the founding of a colony on the Atlantic coast of Virginia. An expedition was at once fitted out, and one hundred and seven colonists bade adieu to the shores of the Old World to find a home in the wilds of the New. They saw first the coast line of England and then the blue hills of Ireland fade away in the distance. Then thoughts of the home-land gave place to those of that far-away strange land to which they were going. On the 26th day of April, 1607, they reached the entrance of Chesapeake bay, and to the points on either side they gave the names of Charles and Henry, in honor of the sons of King James. Further within the bay, upon another projection, they bestowed the name of Point Comfort, because of the comfortable anchorage they found there. Captain Christopher Newport, an experienced navigator, steered the vessels up a beautiful river, which they called the James, in honor of their beloved sovereign. The voyage was continued for fifty miles, when they landed, and on the north bank, on the 13th day of May, 1607, laid the foundation of Jamestown, *the first permanent English settlement in America*. An eminent historian has said that "This is the most important event recorded in profane history." Here was planted the germ from which was to spring the grandest republic the world has seen. Here, on the

banks of the James, had landed the men who were destined to light a lamp of liberty which all the tyranny of after ages could not extinguish.

Of the one hundred and five colonists who came to Virginia more than one-half are classed as "gentlemen" and the remainder as laborers, tradesmen and mechanics. Such were the founders of the oldest American State.

The London Company had prepared a form of government for the colony before the departure from England. This code was placed in a sealed box until the arrival in Virginia, when it was opened and the government established according to its provisions. By it all powers were vested in a body of seven councillors, whose names were as follows: Edward Maria Wingfield, John Smith, Christopher Newport, John Ratcliffe, John Martin, Bartholomew Gosnold and George Kendall. Wingfield was chosen president—in other words, the first governor of Virginia.

While most of the colonists engaged in felling trees and building huts, Captain Newport and Smith decided to explore the country, and accordingly sailed up the James as far as the falls of that river, where they paid a visit to Powhatan, king of all the Indians in that region. Here just below the falls, near the present site of the city of Richmond, was the capital of him whose word was absolute law to the savage nations, over which no civil code could ever have exerted the least influence. This monarch of the forest received the foreigners with courtesy, and manifested no uneasiness at their intrusion. After a short stay the party returned to Jamestown, and Newport sailed for England. Shortly after his departure the

colonists began to realize their true condition. They were three thousand miles from home and friends, upon an unknown shore, surrounded by wild beasts and wilder men, subject to pestilence, and added to these was civil dissension. The latter resulted in the displacement of Wingfield in the presidency, and the deposing, imprisonment, and finally the execution of Kendall. Newport was in England, and Ratcliffe, Martin and Smith were the only remaining members of the council. Ratcliffe was chosen president, but being a man of neither courage nor ability, he voluntarily resigned an office which he was incompetent to fill. Smith and Martin alone were left, and the latter elected the former president.

Captain John Smith, who by his efficient management of the affairs of the colony won the title of "The Father of Virginia," was a soldier, a traveller and a statesman. His life is one filled with adventure and daring exploit. He was born in Lincolnshire, England, in 1579, and was early apprenticed to a merchant; but at the age of fifteen he left his master and went to Holland, served a while in the Dutch army, then found his way to Austria, where he enlisted under the flag of that country and engaged in a war with the Turks. He was, at length, wounded, taken prisoner, and after his recovery was carried to Constantinople, where he was sold as a slave and taken to the Crimea. Here he was subjected to the severest treatment and his life rendered a burden. From such abject slavery he determined to escape. An opportunity soon presented itself. He was engaged in thrashing wheat about three miles from home, where his master visited him once a day. Smith watched his

opportunity and despatched him with a flail, hid his body in the straw, mounted his horse and fled to the woods. After many days' wandering he found his way into Poland. Thence he travelled through Germany, France and Spain to Morocco, where he remained some time, and then set out for England. He arrived just as the expedition was fitting out to colonize the new continent of America. He immediately attached himself to the expedition and sailed for Virginia, where he displayed those high qualities of statesmanship which secured the permanency of the colony.

When Smith began his administration the colony was on the verge of ruin. Already disease had carried off one-half of the settlers, among whom was Gosnold, a member of the council and one of the best men in it. Had not the early frosts of winter put a stop to the ravages of the pestilence, not one would have survived to tell the fate of the others. With the disappearance of disease, and the better administration of Smith, everything began to show signs of improvement. One of the first acts of the new management was to begin the erection of better buildings; the fortification was strengthened, a storehouse erected, and other preparations made for the winter. The great object now was to secure a stock of provisions for the ensuing winter. The Indians had grown a plentiful harvest, but to secure a portion of it was no easy task. Smith, however, determined to undertake it, and in company with five companions he descended the James as far as Hampton Roads, where he landed and went boldly among the savages, offering to exchange hatchets and coin for corn; but they only laughed at the proposal, and mocked the

strangers by offering a piece of bread for Smith's sword and musket. Smith, ever determined to succeed in every undertaking, abandoned the idea of barter and resolved to fight. He ordered his men to fire among the savages, who ran howling into the woods, leaving their wigwams, filled with corn, to the mercy of the English; but not a grain was touched until the Indians returned. In a short time sixty or seventy painted warriors, at the head of whom marched a priest bearing an idol, appeared and made an attack. The English a second time opened fire, made a rush, drove the savages back and captured their idol. The Indians, when they saw their deity in the possession of the English, sent the priest to humbly beg for its return. Smith stood with his musket across the prostrate image, and dictated the only terms upon which he would surrender it, viz.: that six unarmed Indians should come forth and fill his boat with corn. The terms were accepted, the idol given up, and Smith and his party returned to Jamestown with a boat-load of supplies.

Smith could not remain long inactive. No sooner did he see the colony in tolerable condition for this, its first winter in the New World, than he, in company with six Englishmen and two Indians, embarked in the pinnace and sailed up the Chicahominy river. The opinion prevailed at Jamestown, and also with the London Company, that by proceeding up this stream it would be possible to reach the Pacific. Smith knew the utter absurdity of such an opinion, but humored it for the purpose of gratifying his own desire to make explorations. He ascended the river as far as possible in the pinnace, then leaving it, as he supposed in

a safe place, he selected four of the Englishmen to guard it and with the remainder of the party continued the journey in a canoe. When they could proceed no farther in this way Smith travelled on foot with only an Indian guide. The men left with the pinnace disobeyed orders and went on shore. One of them fell into the hands of the Indians, who learned from him the direction in which the captain had gone. Pursuit was made at once, but when they came up with him he defended himself so bravely that they dared not approach him until he fell into a swamp, when he was at length forced to surrender.

His captors carried him before their chief, who received him with all the pomp and ceremony known at a savage court. A long consultation was held to determine the fate of the distinguished prisoner, and it seemed that the death angel, that had hovered around him all along the journey of life, was about to claim the victory. The consultation terminated; the executioners rushed forward and dragged their prisoner to a large stone, upon which it had been decided his head should be crushed. The awful moment was come; the club that was to end his toils and difficulties, and with them the hope of Virginia, was raised. But an advocate appeared to entreat his release. It was none other than Pocahontas, the chieftain's own favorite daughter, who stepped forward and begged that the prisoner might be spared, and when she found her prayers unavailing she seized his head and placed it beneath her own to shield it from the fatal blow. Powhatan could not resist the pleadings of his favorite child and yielded to her wishes. Smith was released and allowed to live. In a few days he concluded a

bargain with the old chief by which he was to receive a large tract of country in exchange for two cannon and a grindstone, which he was to send back from Jamestown by the Indians who accompanied him home. When they arrived at Jamestown, Smith, under pretext of instructing the Indians in the use of the cannon, discharged them into the trees, at which the savages were so frightened that they would have nothing to do with them. The grindstone was so heavy that they could not carry it, so they returned with a quantity of trinkets instead.

During the winter and spring the little colony had not been forgotten by the company in England. Newport, soon after his arrival in London, was again despatched to America. With his vessel came another, commanded by Francis Nelson. Both ships were freighted with everything which could be necessary for either the colony or crew. Newport arrived in safety, but Nelson, when nearing the capes, was overtaken by a storm, and carried so far out to sea that he was forced to put into the West Indies, where he made the necessary repairs, and then reached his destination. Smith and Newport again decided to visit Powhatan; he received them in the same dignified manner as on the previous occasion, and during the conference the chieftain exhibited so much diplomatic skill that he was on the eve of closing a bargain with Newport which would have been very disadvantageous to the colony. But this Smith prevented by exhibiting some blue beads, which he succeeded in making the old chieftain believe were of great value, and at length exchanged a pound or two of them for about seven hundred bushels of corn. But no sooner had

they returned to Jamestown with this new addition to their former stock than, as is usual with ill-gotten gains, a fire broke out and consumed the greater part of it, together with a number of their cabins and some arms and bedding.

But this was not all. Newport, instead of returning to England immediately, remained at Jamestown fourteen weeks, consuming the provisions that he should have left for the defenceless and helpless colony after his departure. His delay was occasioned by the fact that he had brought over with him several refiners of gold who had discovered some glittering earth near Jamestown which they pronounced gold. All the available force was engaged in loading the ship with this worthless clay. The mania prevailed to such an extent that Smith says, "There was no talk, no hope, no work, but dig gold, wash gold, refine gold, load gold." The cargo was at last completed, and Newport set sail for London. When the "Phoenix," the ship of Captain Nelson, was to be loaded, Smith, instead of permitting it to be freighted with "fools' gold," fitted her out with a cargo of cedar wood. This was the first valuable shipment made from Virginia.

Smith accompanied the "Phoenix" as far as the capes, taking fourteen men with him and two open boats, the latter to be used in executing his long-cherished design of exploring the Chesapeake. In this work nearly three months were occupied, and three thousand miles of coast and river were explored and accurately mapped. The map of the Chesapeake bay made by Smith at this time is still preserved, and is a marvel of exactness. It is the original upon which all subsequent delineations have been based.

CHAPTER III.

VIRGINIA UNDER THE SECOND CHARTER.

Lord Delaware—Alarm at Jamestown—New Settlements—Imbecility of Martin—Civil Dissension—Smith bids adieu to Virginia—The Starving Time—Jamestown Abandoned—Sir Thomas Dale—Division of Property—Sir Thomas Gates, the Governor—Virginia under the Third Charter—Marriage of Rolfe and Pocahontas—Administration of Sir Thomas Yeardley—Establishment of Representative Government—First Mothers of Virginia—Introduction of African Slavery—A Liberal Constitution—The Massacre of March 22, 1622—Dissolution of the London Company—Virginia under Royal Government.

It was on the 23d day of May, 1609, that King James revoked the first charter of the London Company, and at the same time granted a new one, by which the government was completely changed. The new patent included all the country lying between the mouth of the Cape Fear river on the south and that of the Hudson on the north, the Atlantic on the east and an undefined boundary on the west. The company was permitted to choose its own councillors, and they in turn were to select the governor. Lord Delaware was chosen to this high position for life.

The British government now began to dream of a flourishing empire in the West, which should be tributary to the parent one, then rapidly rising to the first place among the nations of Europe, and accordingly surrounded Delaware with a retinue of stately officers whose high-sounding titles would indicate that they were the dignitaries of an opulent kingdom instead of a half-starved colony on the distant shores of Virginia. Sir Thomas Gates was commissioned lieutenant-gen-

eral; Sir George Somers, admiral; Christopher Newport, vice-admiral; Sir Thomas Dale, high marshal; Sir Fernando Wainman, master of cavalry. These, with a long list of others, constituted the royal establishment. But the long array of titled nobility was not without its effect upon the future of Virginia. Five hundred emigrants were speedily collected, and in June a fleet of nine vessels sailed for Jamestown. The gentlemen composing the new government sailed in the "Sea Vulture," the largest vessel in the fleet. When nearing the capes of Virginia a fearful storm was encountered. One small ship was lost, and the "Sea Vulture" was driven far out to sea and finally stranded on the rocks of the Bermudas, and did not reach Jamestown until April of the next year. The other vessels outrode the storm and reached their destination.

When the news of the appearance of so large a fleet in the bay was received it was thought to be a part of the Spanish navy, the object of which was the conquest of the colony. Everything was put in readiness for defence. Smith had in the meantime, by his kindness, won the good will of the Indians, hundreds of whom now responded to his call and joined in the defence against the supposed invasion. Fear was, however, soon changed to rejoicing. The supposed enemy proved to be friends. The emigrants having landed, they elected Captain Thomas West—the brother of Lord Delaware—president. The councillors were all dead except Smith, and he, having the sympathy and support of the sailors, refused to surrender the government to West.

For the sake of health and to avoid dissension be-

tween the old and newly arrived colonists, Smith decided to establish two new settlements, and accordingly selected a company of the best men, placed them under the command of Francis West and sent them to the falls of the James, there to erect cabins and establish a permanent settlement. He then placed another company under Martin and despatched them to a place called Nansemond, with the same object in view. Martin exhibited his imbecility by making an attack upon the natives in his immediate vicinity, and then by his cowardice and carelessness permitted them to return, attack his position and kill or wound a number of his men. He then sent for reinforcements, and when they arrived set à limit to his mismanagement by leaving his men to their fate and going to Jamestown, where he remained cowering under Smith's denunciation of his perfidy and cowardice.

The president, not hearing from his colony at the falls, determined to pay it a visit, and upon arriving he found that West had selected as the site of the projected town a location subject to inundation and possessing many other disadvantages. He offered to purchase from Powhatan the site upon which the city of Richmond now stands, but the restless adventurers, dreaming of rich gold fields further up the river, refused the offer, despising alike the president's kindness and authority. Smith was born to rule. With five of his own men he rushed boldly into the midst of the mutineers and arrested the ringleaders of the opposition, but a hundred infuriated men gathered around them and compelled him to release the prisoners. He escaped to the supply ship, which lay at the foot of the falls, and, being supported by the sailors, he

spent nine days here in making every effort to conciliate the turbulent spirits who were in a frenzy of excitement over the "gilded hopes of the South Sea mines," but all in vain.

Discouraged and well-nigh exhausted, Smith set out on his return. No sooner had he departed than the Indians attacked those left behind. The terrified wretches who escaped fled to Smith, whose boat had grounded on an island above Jamestown. Here the disturbers were again arrested. The president returned to the falls, satisfied the demands of the savages and left all again under the care of West, who listened to the deceitful statements of the prisoners and released them. Thus Smith again saw his authority set at defiance and for the last time left the falls of the James.

His work was now nearly done. On the journey down the river his powder-flask exploded while he was sleeping and tore the flesh from his body in a frightful manner. Crazy with pain, he threw himself into the river to cool the terrible burning, and was nearly drowned before his companions could rescue him. Nearly a hundred miles lay between him and the only surgeon in Virginia—Dr. Russell—and to him he must go before his wounds could be dressed. In this pitiable condition he arrived at Jamestown, where Ratcliffe and Archer were being tried on a charge of treason. Fearing his evidence, they hired an assassin to murder him, but, when the fiend saw the sad state of his intended victim, his heart failed him and he was unable to fire the fatal shot.

The term of Smith having expired, Captain George Percy, a younger brother of the Earl of Northumber-

land, was elected president. Smith, in September, 1609, sailed for England, never to return again to the scenes of his toils and sufferings. An eventful life was nearing its close. "The Father of Virginia," the benefactor of his country and his race, he who had faithfully discharged every duty imposed upon him, was yet to feel the sting of base ingratitude. Those whose interests he had served best were the first to condemn his actions. Like Columbus, Boone, Robert Morris, and a host of others whose lives were to be known and their labors appreciated by succeeding generations, his name has become one of the most illustrious that appear in the early history of America. Truly has it been said, that great men are never known by the age in which they live.

At the time Smith left Jamestown there were four hundred and ninety-three persons in the colony, all well sheltered and supplied; but the master-spirit was gone, and soon anarchy ruled supreme. Such was the inactivity, profligacy, recklessness and insubordination that by the approach of early winter they were confronted with starvation. In addition the Indians, determined upon the utter extinction of the colony, hung upon the outskirts of the settlements, burning houses and murdering all who were so unfortunate as to fall into their hands. Then a pestilence broke out, and so great was the fatality that by the return of spring there remained but sixty persons alive in the colony, and they must have perished had not assistance reached them. Just as the last ray of hope was yielding to despair, Sir Thomas Gates and his crew, who had been wrecked in the West Indies, arrived at Jamestown; but what must have been their feelings when, instead of finding

the colony in a happy and prosperous condition, they met only a few famished wretches begging for bread! Gates supplied their wants from his store-ships and assumed the government.

The few survivors had, however, resolved to abandon Jamestown at the earliest opportunity, and thus forever bid adieu to a place which promised nothing but death. In vain did the governor remonstrate. Four pinnaces lay at anchor in the harbor. It was the intention to sail for Newfoundland, and there the remnant of the Virginia colony was to remain among the fishermen until some vessel would carry the wanderers to England. Thus was to end in failure the efforts of the London Company, as had those of Raleigh and Gosnold before. The colonists crowded on board the pinnaces, and on the 8th of June dropped down the river. But Lord Delaware was already within the bay, and before the disheartened colonists had reached the mouth of the James his ships hove in sight bearing new emigrants, plentiful supplies, and a governor who gave promises of better things. The hitherto discouraged but now rejoicing colonists were taken on board, and all returned to the deserted town, where before night-fall all was happiness and contentment.

Lord Delaware's administration was characterized by justice and mildness; he endeared himself to the colonists and inspired them with hope, but he did not long remain; in the early autumn his health failed and he delegated his authority to Percy, the same who had relieved Smith, and sailed for England.

Sir Thomas Dale was already on his way to Virginia bearing a governor's commission. Upon his arrival he assumed the government, making martial law the

basis of his administration. He was a soldier by birth, and had won distinction in the Danish wars. The colony needed a strong government, and there was, therefore, very little complaint against his military rule. During his term of office the population was augmented by the arrival of 300 emigrants from England.

The last act of Governor Dale marks an era in the history of Virginia. This was nothing less than a division of property. Ever since the founding of the colony all property had been held in common, after the manner of the primitive Eastern nations. The colonists had worked together, and the products of the harvests had been deposited in a common storehouse, where all was under the control of the council. Governor Dale changed all this by causing the lands to be laid out into lots of three acres each, one of which was to be given to each of the settlers—to hold forever—upon which he might plant orchards and cultivate grain, with the understanding that none had a right to gather but himself. Thus the right of property in land was, for the first time, recognized in the New World. The colonists saw the advantage of individual labor, and the good results were soon apparent in the general improvement.

Dale surrendered the government to Sir Thomas Gates, and, selecting 300 men, began a settlement on a narrow neck of land, which he called Henrico in honor of Prince Henry. Other settlements were made on both sides of the river at considerable distances from the parent town, and the foundation of the first American State was thus securely laid.

It was now the year 1612, and King James, who

made *change* the rule of his reign, granted a third charter to the company, by which many important changes in the government were made. By it the privileges and immunities were greatly increased; its jurisdiction was extended over all the territory within a radius of 300 miles from Jamestown; they were permitted to elect their own officers, to decide all questions of law and right; in fact, to govern the colony on their own responsibility. This was the germ from which sprang democratic government in America.

In the year 1613, Captain Samuel Argall, while cruising in Chesapeake bay, made a voyage up the Potomac, where he heard of the presence of Pocahontas, whom he succeeded in enticing on board his boat, and then carried her to Jamestown. There the authorities detained her with the expectation that her father, Powhatan, would pay a ransom for her. Instead, the old chieftain became highly enraged and prepared for war; but before hostilities began, John Rolfe, a highly respected young planter, enamored with her beauty and fascinated by her manners, wooed and won her affections and the promise of her hand. Powhatan gave his consent to the union, and sent her uncle and two brothers to witness the ceremony, which was celebrated with great pomp, according to the rights of the English Church. In 1616 she accompanied her husband to England, but was very unhappy. Captain Smith, who was then in London, called to see her, but appeared to be somewhat reserved in his manner. This added to her burden of grief, and she wept like a child. Smith inquired the cause of her grief. "Didst I not save thy life in America?" said she. "Didst thou not promise that if I went into thy country thou

wouldst be my father, and I shouldst be thy daughter? Thou hast deceived me; behold her now a stranger and an orphan." Pocahontas was warmly received. Lady Delaware introduced her to many families of distinction, who paid every attention to the modest daughter of the western wilderness. But nothing could dispel the gloom which surrounded her, and in a short time she fell a victim to the united effects of disease and grief, and died at Land's End, just as she was about to re-embark for America. One son, the issue of this union, became a man of prominence in the affairs of the colony; and to him many families of Virginia, among whom are the Randolphs, Bolings and the Robertsons, trace their ancestry.

Early in the year 1616 Gates and Dale both sailed for England, and left the government in the hands of Sir George Yeardley, whose administration was similar to that of his predecessors. The colony increased in numbers, the social condition improved, and industry on the part of the colonists and respect on that of the savages, brought about a feeling of security and confidence hitherto unknown in the history of Virginia.

In the year 1617 Yeardley was succeeded by Captain Argall, who proved himself to be the most tyrannical governor that had yet swayed the sceptre over Virginia. He was a sailor by profession, and accustomed to the rigid discipline of the seas, where he had long held despotic rule over the decks of his own vessel. Naturally cruel and covetous, he was entirely unfit to administer the government as it then existed in Virginia, and as might have been expected, his administration became a synonym for fraud, corruption and violence. When the news of his high-handed

oppression reached England, the London Company requested Delaware to return to Jamestown, and again assume the government of the colony. He yielded to their importunities, and set sail, but died at sea. Argall continued his maladministration until 1619, when he was superseded by his predecessor, Sir George Yeardley, who, through the influence of Edwin Sandys, treasurer of the London Company, was appointed to his former position.

With Yeardley as governor, and important changes in the London Company, the colonists expected a period of prosperity, and their expectations were fully realized.

Martial law was abolished; the governor, in accordance with instructions from the company, divided the plantations along the James river into eleven districts, called boroughs, and issued a proclamation commanding the citizens of each TO ELECT two representatives to take part in the government; the election was held in the latter part of June, and the first House of Representatives in the New World convened at Jamestown on the 30th day of July, 1619. This body was called the House of Burgesses, and by it was "debated all matters thought expedient for the good of the colony." A number of acts were passed, which were pronounced by the company to be "well and judiciously carried," but, unfortunately, we have no record of them.

In this eventful year Sir Edwin Sandys recognized the fact that the stability of the colony could only be secured by the establishment of family ties. Up to this time very few of the colonists had come to Virginia with the intention of finding a permanent home.

By far the greater number were adventurers who left England with the determination to return at some time—either after they had accumulated a fortune, or gratified a desire for adventure. The endearments of home and friends are the ties that bind men to a fixed habitation, and now, if these could be found on this side of the Atlantic, then would the adventurers relinquish the fond hope of returning to find them in the mother country, and thus the permanency of the colony would be assured. To achieve this end was the determination of Sir Edwin, and during this year he sent over twelve hundred and sixty emigrants, among whom were ninety “agreeable young women, poor but respectable and incorrupt,” who were designed as wives for the colonists. Shortly after another consignment was made of “sixty young maids of virtuous education, young, handsome and well recommended.” Such is the compliment paid by the historian of that day to the first mothers of Virginia. It has been said that they were sold to the planters at prices ranging from one hundred to one hundred and fifty pounds of tobacco. This is not true. They were transported at the expense of the company, and when they were chosen as wives the fare for transportation was paid by the husband. Thus domestic relations were established; then came habits of thrift, an increase of comforts and consequent happiness. Within the next two years fifty land patents were issued and three thousand five hundred emigrants found homes in Virginia.

It was the policy of King James to increase the population of the colony as rapidly as possible, and with that end in view, despite the protest of the London Company, he sent over one hundred “idle and disso-

lute " persons who were in custody for various misdemeanors, and who were transported only to escape a worse fate at home. They were sold as servants to the planters, who endured their presence only because of the profits derived from their labor and the increased assistance thus secured in carrying into effect the various industrial enterprises then projected by the colonists.

This beginning created a desire on the part of the colonists to employ other labor than their own, and the opportunity to gratify it came only too soon. It was in the month of August, 1620, that an event occurred which was destined to stamp its impress upon the pages of American history—an event so far-reaching in its consequences that no prophetic eye could foresee what they were to be. No one thought that an institution was then taking root which, in the distant future, would involve the American States in civil war and almost wreck society itself. This event was none other than the introduction of African slavery. A Dutch vessel sailed up the James and sold twenty negroes as slaves to the colonists. The world knows the result.

Another change was now to take place. A new constitution was prepared for Virginia, and Sir Francis Wyatt was appointed to succeed Yeardley in the government. The new code was modelled after that of England, and was a long step toward representative government. It acknowledged the right of trial by jury; but the most remarkable provision was that which bestowed upon the House of Burgesses the power to veto any objectionable acts of the company.

Three years of prosperity had spread settlements

far and wide; they extended for nearly a hundred miles along the banks of the James, and far into the interior; several had also been made on the Potomac, so that by the year 1622 there were no less than eighty hamlets dotting the country around the shores of the Chesapeake. The only cause for anxiety was the fear of Indian hostilities, and well indeed might this anxiety exist, for there was now a plot being laid which, had it been carried into execution in detail, would not have left an Englishman alive in Virginia.

The friends of the colonists were gone. Pocahontas had died in a foreign land, and Powhatan had also passed from among the living. His brother, the cunning and revengeful Opechancanough, had succeeded him. He had long looked with a jealous eye upon the encroachments of the English, and saw in their occupation of the country the fate of his own race; and, now that he was vested with the power which his brother had withheld from him, he determined to annihilate the colony at one fell blow. To meet the English in the open field only insured his own defeat, owing to the disparity in arms; and the fact that the number of fighting men were now nearly equal, would have resulted in just what he wished to avoid—the destruction of his own people. His only hope of success lay in some great stroke which should destroy the power of the colony at once. His cruelty and desire for revenge dictated a general massacre.

In order to avoid suspicion, he renewed the treaty of peace with Governor Wyatt, and only two days before the blow was to be struck he declared that the sky should fall before he would violate the terms of the treaty. The friendly relations were continued up

to the very day, even to the fatal hour. They borrowed boats from the English, brought in venison and other provisions for sale, and sat down to breakfast with their unsuspecting victims. The hour arrived. It was twelve o'clock, noon, on the 22d day of March, 1622, when every hamlet in Virginia was attacked by a band of yelling savages, who spared neither age, sex nor condition. The bloody work went on until 347 men, women and children had fallen victims at the barbarous hands of that perfidious and inhuman people.

Had not a converted Indian who lived with a man named Pace revealed the plot, and thus put the people of Jamestown and immediate settlements on their guard, and therefore in a state of defence, every settlement would have been laid in ruins and the inhabitants put to the tomahawk. But the intrigue failed. There were yet 1,600 fighting men in the colony, and the Indians were made to pay dearly for their perfidy. The English pushed into the wilderness, burning wigwams, killing every Indian that fell into their hands, and destroying crops, until the foe was driven far into the interior. Confidence was once more restored, and a feeling of security brought a return of prosperity; immigration again revived, and at the end of the year the population numbered 2,500.

Differences between the king and parliament had now produced two powerful political parties in England—the Royalists, supporting the king, and the Patriots, defending the parliament. To the latter belonged the greater number of those composing the London Company, and as a political measure the king determined to dissolve the corporation by declaring its charter null and void. It is true that the operations

of the company, in a financial point of view, had been a failure. In eighteen years it had expended a half million dollars, and had sent 9,000 emigrants to Virginia, only 2,500 of whom now remained in the colony. The annual exports did not exceed 20,000 pounds.

We have not space to pursue in detail the proceedings, legal and otherwise, of the crafty James. He sent John Harvey, John Pory, Abraham Piersey, Samuel Mathews and John Jefferson, commissioners to "make more diligent inquiry touching divers matters which concern the State of Virginia." The commissioners arrived at Jamestown early in the year 1624. After remaining a short time they returned and reported the company in a state of bankruptcy, and the government of the colony very badly administered, with no prospect of improvement under its present management. James caused a *quo warranto* to be issued against the company, and the cause was tried at the Trinity term of King's Bench, for the year 1624. The judges were dependent upon the king for their places, and it is not difficult to determine the result of a trial in which James had such a deep interest. Chief Justice Ley rendered a decision against the corporation, and the London Company ceased to exist. But its mission was fulfilled; the foundation of the Old Dominion was securely laid, and it only remained for others to rear the structure.

But little change was made in the government of the colony. This was not the object of the king when he abrogated the charter; his action was directed against the corporation and not the State, and before the few proposed changes could be made James died—March 27, 1625—and was succeeded by his son,

Charles I., who paid little attention to his American subjects. Governor Wyatt was continued in office until 1626, when he went to England to attend to the private affairs of his father, who had recently died, and Sir George Yeardley was appointed to fill the vacancy. His former liberal administration was remembered by the colonists, and Charles could not have performed an act that would have met with greater approbation. Yeardley's career was closed by death November 14, 1627, and Francis West was chosen governor three days later. He continued in office until March, 1628, when John Pott was chosen in his stead, but he also was relieved in a few days by John Harvey, who arrived from England, and assumed the government early in the year 1630.

CHAPTER IV.

FROM THE SEA TO THE MOUNTAINS.

Tidewater Virginia—The Piedmont Region—March of Civilization to the West—Organization of the First Counties—Increase of the same—The Mountain Barrier—The Unknown Regions of the West—Colonel Alexander Spotswood—His Expedition over the Blue Ridge—The Knights of the Golden Horse-Shoe—Virginia at the Close of the Seventeenth Century.

FOR a number of years after the founding of Jamestown the settlements were confined to what is known as Tidewater Virginia. This region embraces all that portion of the State lying between the coast and a line drawn through the cities of Petersburg, Richmond and Fredericksburg, which are situated at the lower falls of the Appomattox, the James and Rappahannock rivers, respectively. This line extended, marks the point at which all the Atlantic rivers of Virginia leap from the granite base on which rests the whole Appalachian mountain system. Through this region flow many navigable rivers and into it extend numerous coves and inlets, either from Chesapeake bay or the ocean; around them are extensive areas of swamp land. The surface is nearly level, the undulations being so gentle that the currents in the river are scarcely perceptible. The soil is moist and sandy, of an alluvial formation closely resembling that of the Floridian peninsula. The climate during the winter is mild and pleasant, but the summer is sultry.

The Piedmont region extends from the western limit of the above to the eastern base of the Blue

Ridge, and stretches entirely across the State from north to south. Throughout its whole extent is found a soil of great fertility, and here, for the first time on the Atlantic coast, appear the primordial rocks; the disintegration of which has added much to the soil. Valuable minerals abound, and deposits of limestone sufficient to supply the continent with lime for ages to come lie at a short distance below the surface. The climate is temperate throughout the year and is as healthy as any in the world.

Fain would we linger on the banks of the historic James; there to dwell amid the interesting scenes around which are gathered the associations of nearly three centuries. The colonial records are crowded with details of the early settlements upon these banks; Revolutionary history abounds in facts relating to the river country; here occurred some of the most important events of the second war with Great Britain, and the literature of the late war is largely devoted to a recital of the operations of the contending armies along this river. But we must leave here, untouched, material sufficient to fill volumes, and follow the march of civilization over the Alleghenies and dwell upon the history of the little commonwealth founded by daring pioneers who crossed the mountains, that they might find a home and a rich inheritance for themselves and their posterity.

Virginia was the first State in the world composed of separate political divisions based upon the principle of universal suffrage. It was in the year 1634 that her territory was divided into eight shires or counties, similar to those of England, and named as follows: James City, Henrico, Charles City, Elizabeth, War-

wick River, Warrosquoyoke, Charles River, and Accomac. Lieutenants were appointed for each district whose business it was to supervise the military affairs. Sheriffs, sergeants and bailiffs were elected as in England, and commissioners were appointed to hold county courts in the different shires. This was the origin of the county court system in Virginia.

The population increased until, in the year 1671, there were 40,000 English-speaking people in Virginia. They were scattered over the whole of the Tidewater and Piedmont regions, so that thousands of houses dotted all the landscape from the sea to the mountains. Virginia ever tried to keep civil government abreast of her most adventurous pioneers. To accomplish this her House of Burgesses continued to make provision for the formation of new counties. A hundred years passed away, and at the close there were no fewer than thirty-one counties checkered upon the map of her eastern domain.

But little more than a century had passed away since the founding of Jamestown, and the little colony of 105 souls had increased to nearly 100,000. Hardy pioneers had extended the domain of civilization even to the base of the Blue Ridge, but of the region beyond the "Rocky Barrier" nothing whatever was known, for the most daring adventurer had not penetrated its vast solitudes. But the conquest of the wilderness was the mission of those determined spirits, who had fled from oppression in the Old World to find a home of freedom in the wilds of the New. The time was now come when white men should traverse the hitherto unknown region, and return to tell the story of its wonderful resources.

It remained for Alexander Spotswood to lead the

first band of adventurers over the summit of the Blue Ridge. He was one worthy of the enterprise, and the enterprise was one worthy of him. He was born in 1676, at Tangier, then an English colony in Africa, his father being the resident physician. The son was literally bred in the army, and, uniting genius with courage, served with distinction under the Duke of Marlborough. He was dangerously wounded in the first fire of the French at the battle of Blenheim, while serving as quartermaster-general, with the rank of colonel. He arrived in Virginia June 23, 1710, as lieutenant-governor under George Hamilton, Earl of Orkney. He was the most distinguished individual that controlled the destinies of the colony prior to the Revolution.

Spotswood determined to learn more of the vast wilderness west of the mountains, and accordingly equipped a party of thirty horsemen, and, heading it in person, left Williamsburg on the 20th of June, 1716. Pressing onward through King William and Middlesex counties, thence by way of Mountain Run to the Rapahannock, which they crossed at Somerville's Ford, and thence to Peyton's Ford on the Rapidan. From here they proceeded to near the present site of Stanardsville, in Green county, whence they passed through the Blue Ridge by way of Swift Run Gap. Crossing the Shenandoah river, about ten miles below where Port Republic now stands, near what is known as River Bank, in Rockingham, the intrepid governor and his little band pushed onward to the west across the Shenandoah Valley and through the mountain defiles, until on the 5th of September, 1716, on one of the loftiest peaks of the Appalachian range, probably

within the limits of what is now Pendleton county, West Virginia, they halted and drank the health of King George. What a spot! Never before had the voice of civilized man been heard amid this mountain fastness. There, for the first time, stood representatives of the Anglo-Saxon race, gazing upon the lofty peaks towering above the illimitable wilderness. Here Robert Brooke, one of the party, and the king's surveyor-general, made the first scientific observation ever made upon the Allegheny mountains.

The party returned to Williamsburg, and gave the most glowing description of the country which they had visited. They had passed the great valley, whose fertile fields were, two centuries hence, to render it the home of thousands of people noted for their culture and refinement. On the mountain-sides they had discovered those mysterious hygeian fountains from which flowed the life-giving waters which have since obtained a world-wide celebrity. For the purpose of inducing emigration to this far western land the governor established the "Transmontané Order, or Knights of the Golden Horse-Shoe," giving to each of those who had accompanied him a miniature horse-shoe, some of which were set with valuable stones, and all bearing the inscription, "*Sic jurat transcendere montes*"—"Thus he swears us to cross the mountains." These were given to any one who would accept them, with the understanding that he would comply with the inscription.

Virginia was fast becoming a nation. In 1715 her population numbered 72,000 whites and 23,000 negroes. But one colony—Massachusetts—outnumbered her, and that by only a thousand inhabitants. A profitable trade was established with the West Indies in the



ALEXANDER SPOTTSWOOD,
Lieutenant-Governor of Virginia from 1710 to 1722.

exchange of corn, lumber and salted provisions for sugar, rum and wine. During the administration of Spotswood her advancement in commerce, population and wealth was more rapid than that of any of her sister colonies. The frontier extended even to the base of the Blue Ridge, but no white man had dared to find a home in the great valley which takes its name from the principal river—the Shenandoah, “The Daughter of the Stars.” In the next chapter we shall tell the story of its settlement and occupancy by white men.

CHAPTER V.

EXPLORATION AND SETTLEMENT OF THE SHENANDOAH VALLEY.

The Valley Region—John VanMatre, probably the first White Man that Traversed the Beautiful Valley—The Land Warrant of John and Isaac VanMatre—Their Claim Purchased by Joist Hite—He and Others rear Cabin Homes near the Present Site of Winchester—Pioneer Settlers of the Lower Valley—The Northern Neck—Lord Fairfax—His Patents and Manors—John Salling and John Marlin Explore the Upper Valley—Salling a Prisoner among the Indians—His Return to Williamsburg—John Lewis, the Founder of Augusta County—Grant to William Beverly and Others—"Beverly Manor"—Benjamin Burden—Burden's Grant—His Colonists—The Scotch-Irish—Their Character—Organization of Augusta and Frederick Counties—View of the Valley in 1750.

THE Valley Region includes all the country lying between the Blue Ridge on the one side and the Allegheny mountains on the other, and because of the great fertility of its soil it is called "The Garden of Virginia." It is the central part of the great valley which is co-extensive with the Allegheny range, that part of it south of Virginia being known as the Cumberland valley. Geologists trace it far north, even to the banks of the Mohawk river in New York. They inform us that it belongs to the Silurian formation, which places it upon the Azoic and beneath the Devonian rocks. There are several varieties of slate, sandstone, and conglomerates; limestone also abounds. Many beautiful streams flow through the valley; the summer is cool and pleasant, but the winter is cold and damp.

The first quarter of the eighteenth century passed away and all this region remained a howling wilderness. But the time was near at hand when those who were ordained to settle the wilderness were to occupy the land. "Westward the star of empire takes its way." The Shenandoah valley lay in its line of march, and it must be redeemed from the sway of savage men and made the dwelling-place of civilization.

Tradition relates that a man of the name of John VanMatre, a representative of an old Knickerbocker family early seated on the Hudson, was the first white man who traversed the South Branch valley—the Wappatomica of the Indians. He was an Indian trader making his headquarters with the Delawares; whence he journeyed far to the south to trade with the Cherokees and Catawbias. Returning to New York, he advised his sons, if they ever removed to Virginia, to secure lands on the South Branch, they being the best he had seen in all his travels. (*Vide Kercheval's "History of the Valley of Virginia,"* page 46.)

Acting upon this advice, Isaac VanMatre, one of the sons, visited the frontier of Virginia about the year 1727, and so pleased was he with the lands described by his father that, in 1730, he and his brother John received from Governor Gooch a patent for 40,000 acres, which they located and surveyed the same year. (Land-Office Records of Virginia.) The next year they sold a portion of these lands to Joist Hite, and to him belongs the honor of having first planted the standard of civilization in Virginia, west of the Blue Ridge.

In the year 1732, he, with his family, his sons-in-law George Bowman, Jacob Chrisman, and Paul Froman, with their families, and Robert McKay, Robert Green,

William Duff, Peter Stephens, with others, to the number of sixteen families, left York, Pennsylvania, and cutting their way through the unbroken wilderness, crossed the Potomac—Cohongoruta of the Indians—two miles above the present site of Harper's Ferry, and thence proceeding up the valley, they halted and reared their cabins near where Winchester now stands. Hite settled on Opequon, about five miles south of Winchester; Peter Stephens and several others halted three miles farther south, and became the founders of Stephensburg; George Bowman went six miles still farther and settled on Cedar creek; Jacob Chrisman built his cabin near what has ever since been known as Chrisman's Spring, about two miles south of Stephensburg; Paul Froman located on Cedar creek, and Robert McKay on Crooked creek. The others found homes in the same neighborhood. These were the pioneer settlers in the Valley of Virginia. Very soon they were followed by others who located around and among them. (Kercheval, page 41.)

Among those who came within the next two years were Benjamin Allen, Riley Moore, William White, Robert Harper—name preserved in that of Harper's Ferry—William Stroop, Thomas and William Forester, Israel Friend, Thomas Shepherd—name preserved in that of Shepherdstown—Thomas Swearingen, Van Swearingen, James Foreman, Edward Lucas, Jacob Hite, John Lemon, Richard Mercer, Edward Mercer, Jacob VanMatre, Robert Stockton, Robert Buckles, John Taylor, Samuel Taylor, Richard Morgan, and John Wright.

Another land grant which played an important part in the settlement of the valley was that known as the

"Fairfax Patent." In the 21st year of Charles II.—1681—a grant was made to Lord Hopton and others, of what is known as the "Northern Neck" of Virginia. The patentees sold it to Thomas Lord Culpeper, to whom it was confirmed by letters patent in the fourth year of James II.—1688. The tract of country thereby granted was, "All that entire tract of land, lying and being in America, and bounded by and within the heads of the rivers Tappahannock, alias Rappahannock, and Quiriough, alias Potomac river, the course of said rivers as they are commonly called and known by the inhabitants, and description of their parts and Chesapeake Bay." Within its limits were embraced the present counties of Lancaster, Northumberland, Richmond, Westmoreland, Stafford, King George, Prince William, Fairfax, Loudoun, Fauquier, Culpeper, Madison, Shenandoah, and Frederick, in Virginia; and Jefferson, Berkeley, Morgan, Hampshire, Hardy, Mineral, Grant, and a portion of Tucker, in West Virginia. This immense estate descended from Lord Culpeper to his only daughter Catherine, who married Thomas, fifth Lord Fairfax, from whom the proprietary descended to their eldest son, Thomas, who became the sixth Lord Fairfax. He came to Virginia about the year 1745, and in 1748 employed George Washington, then in his seventeenth year, to survey and lay off into lots that part of the estate lying in the valley and Allegheny Mountains, that the proprietor might collect rents and make legal titles. Young Washington crossed the Blue Ridge and aided by George Fairfax, the eldest son of William Fairfax, whose daughter Washington's eldest brother, Lawrence, had married, satisfactorily performed the work. Several manors were laid out

among which were the following: Manor of Leeds, located in Culpeper, Fauquier and Frederick counties, containing 150,000 acres; the South Branch Manor, in what is now Hardy county, including 55,000 acres, and Greenway Court, in Frederick, embracing 10,000 acres.

At a point thirteen miles southeast of Winchester, within the last-named manor, Lord Fairfax fixed his residence. Here he continued to reside until his death, December 12, 1782, soon after the surrender of Lord Cornwallis, an event he is said to have much lamented. He never married, and leaving no issue to inherit his vast estate, he bequeathed it to the Rev. Denny Martin, his nephew, in England, on the condition, however, that he should apply to the Parliament of Great Britain for the passage of an act authorizing him to take the name of Fairfax. He complied with the terms, but like his uncle never married, and at his death left the estate by will to General Phillip Martin, who also died without issue and left it to two maiden sisters. Later on Chief-Justice Marshall, Raleigh Colston and General Henry Lee purchased the title of the Fairfax legatees in England, so that there is not now any part of the once immense estate in possession of a representative of the Fairfax family. It has caused more litigation than any other land grant on the continent. In 1736 the Fairfaxes entered a suit against Joist Hite, alleging that the lands which he had purchased from the VanMatres were within the limits of the Culpeper patent. The cause continued in the courts until 1786, a period of fifty years, when every one of the original parties to it were in their graves. (Howe's "Historical Collections," p. 235; "Kercheval," pp. 138, 139, 140.)

Let us notice briefly the exploration and settlement of the Upper Valley. In the absence of towns and roads the first settlers in the valley were supplied with many needed articles by peddlers who went from house to house. Among these itinerant vendors of small wares was one John Martin, who travelled from Williamsburg to the country about Winchester. His visits to the inhabited part of this romantic country inspired him with a desire to explore the unknown part toward the southwest. In Williamsburg he induced John Salling, a weaver by occupation, to accompany him on an exploring expedition.

Repairing to Winchester they proceeded through the valley until they reached the banks of the Roanoke, probably near the present site of Salem. Here they were met by a roving band of Cherokees and made prisoners. Martin had the good fortune to escape, but Salling was carried a captive to their towns on the upper Tennessee. Here he remained some time and then went with a party of Indians to the Salt Licks of Kentucky to hunt buffalo. Kentucky, like the Valley of Virginia, was a middle ground of contention between the northern and southern tribes. Here the Cherokees were attacked and defeated by a body of Indians from Illinois. Salling was again made prisoner and carried to Kaskaskia, where an old squaw adopted him as a son. While detained in this remote region he accompanied his new tribesmen on some distant expeditions—once even to the Gulf of Mexico—and saw many countries and tribes of savages, then wholly unknown in Virginia. At length he was purchased from his Indian mother by an exploring party of Spaniards, who wanted him for an interpreter. He

travelled with them on their way northward, until he reached Canada, where he was kindly redeemed by the French governor and sent to New York, whence he found his way back to Williamsburg after an absence of more than three years. Here he entertained interested hearers with the story of his adventures, and gave a glowing description of the southern or upper portion of the Valley of Virginia—a broad belt lying between parallel ranges of mountains; its vales watered by clear streams, its soil fertile, its plains covered only with shrubbery and a rich herbage, grazed by herds of buffalo and its hills crowned with forests; a region of beauty as yet, for the most part, untouched by the hand of man, and offering unbought homes and easy subsistence to all who had the enterprise to scale the mountain barrier, by which it had so long been concealed from the colonists. (Howe's "Historical Collections," p. 452.)

But now this region was to become the home of civilized men. John Lewis, the ancestor of the family of that name in the Virginias, was the first pioneer, and the first European settler within the present limits of Augusta county. He was born in France in 1673, of Scotch-Irish parents who had passed over to that country but were driven back to their native land by the storm of persecution which afflicted the Huguenots after the revocation of the Edict of Nantes in 1685. John Lewis had two brothers, William and Samuel, both of whom grew to manhood amid the quiet scenes of their Caledonian home. William removed to the north of Ireland, where he married a Miss McClellan, by whom he had issue, one son, Andrew, who wedded a Miss Calhoun, and left issue; two sons,

John, born 1678, and Samuel, born 1680, both of whom came to Virginia and became the ancestors of the Lewises of James river, representatives of which are now scattered over West Virginia, Kentucky and Northern Georgia. The best-known representative of this branch of the family was Meriwether Lewis, who in company with William Clarke explored the Pacific coast in 1806. Samuel married, and after a short residence in Ireland emigrated to Portugal, where all trace of him was lost.. (See Smiles' "History of the Huguenots.")

John Lewis continued to reside in Scotland until 1714, when he married Margaret Lynn, a daughter of the Laird of Loch Lynn, who was a descendant of the chieftains of a once powerful clan in the Highlands, whose heroism is so celebrated in Scottish clan legends, and removed to Ireland, where he became the owner of a free-hold lease of three lives. The farm upon which he resided was situated in County Donegal, Province of Ulster, and was known as "Campbell's Manor," and was the property of the Campbells, so famous in history. (Peyton's "History of Augusta County," p. 26.) After a few years it passed into the possession of Sir Mungo Campbell, whose recklessness soon involved him in debt, to pay which he resolved to increase the rents of his lessees, or dispossess them. Many submitted, but Lewis resolved not to yield to such injustice, and when the agent of the lord of the manor informed him of the terms he refused to pay the additional sum assessed. The lord at once determined to eject him, and with that object in view, accompanied by a number of followers, repaired to the house in which Lewis, his wife, three

children and a sick brother of his wife were domiciled. Finding the door barricaded, a musket loaded with several balls was discharged through the wall; one bullet mortally wounded the invalid brother and another passed through the wife's hand. Lewis, now enraged to the highest pitch, resolved to sell his life as dearly as possible, and to sell it in defence of his helpless ones. With no weapon but a club, he rushed into the yard, and first meeting the lord, slew him at a single blow; the next to fall was the steward, who shared the fate of his master. The others fled in rapid haste, leaving Lewis in possession of the estate. But this occurrence forever ended his career in Ireland. He had committed no crime against the law of either man or God, for he had fought in defence of himself and loved ones. But he lived under a monarchical government, the policy of which was to preserve a difference in the ranks of society. A tenant had killed his landlord, and if Lewis remained he would suffer death. Even with justice on his side his fate was sealed the moment he surrendered himself to the officers of the law, and he therefore determined to leave the country. Disguised as a Quaker, he hastened to a little harbor in the bay of Donegal, where he went on board a vessel about to sail. After visiting the shores of several countries, he arrived at Oporto, in Portugal, in the year 1729. There he had a brother engaged in the mercantile business, who advised him that he might elude the vigilance of his enemies, by proceeding to Philadelphia, Pennsylvania, the brother to send his family to that place. Lewis acted upon this advice, and for a year watched anxiously from the shores of Pennsylvania the coming of loved ones from the scene

of separation beyond the sea. At length there was a joyful reunion and Lewis at the same time learned that his enemies were putting forth every effort to discover the place of his refuge. Fearing this, if he remained on the sea-board, he resolved to find a home in the deep solitude of the American forest. The winter of 1731-32 was spent at Lancaster, Pennsylvania, and in the summer of the latter year, after a long journey over mountains and through valleys, amid scenes of awe-inspiring grandeur and sublimity, he halted at "Bellefonte"—the Clear Spring—beside the little river which has ever since borne his name, and reared his cabin on lands one mile east of where Staunton now stands. This was the first structure erected in the upper half of the Valley of Virginia. Here, surrounded by an unbroken wilderness, inhabited only by wild beasts and wilder men, John Lewis, with the aid of his sons, constructed from native stone the walls of "Fort Lewis," within which the hardy pioneers who came after him found refuge until the barbarian no more visited the banks of the Shenandoah. Here John Lewis continued to reside until, weighed down by the flight of years, he sank to rest and found a grave near where he had found a home. He was long prominent on the Virginia frontier. In 1745, when Augusta was formed, he was made one of the justices for the new county. A pardon came from over-sea, and patents are still extant, by which His Majesty granted him many thousand acres of the fair domain of Western Virginia. He was an excellent surveyor, and in 1749-50 was employed in that capacity by the Greenbrier Land Company, to assist in locating their lands west of the Alleghenies. It was at this time

that he bestowed the name which it now bears upon one of the most beautiful mountain rivers of America. Becoming entangled in a thicket of greenbriers which grew upon the banks of the Ronceverte—Lady of the Mountain—of the early French explorers, meaning greenbrier, he declared that he would with these henceforth call the stream Greenbrier river. Such he called it in his field notes, and so it has ever since been known. John Lewis by his marriage with Margaret Lynn had issue, five sons and two daughters, the former of whom will be noticed as this work progresses.

Other adventurers reached the Upper Valley and, attracted by the great fertility of the soil, hastened to make surveys and applications for patents for their lands. The earliest of these issued was that for what has ever since been known as Beverly Manor. The patent, signed by Governor William Gooch and bearing date September 6, 1736, granted to William Beverly, of the county of Essex; Sir John Randolph, of the city of Williamsburg; Richard Randolph, of the county of Henrico; and John Robinson, of the county of King and Queen, a tract of land containing 118,491 acres. These lands were located within the present limits of Augusta county and included the site of the city of Staunton. The magisterial district in which that city is situated is still known as "Beverly Manor." (See records in Circuit Clerk's office of Augusta.)

The second grant made to lands in the Upper Valley was that to Benjamin Burden, or Borden—name spelled both ways in records. He was a merchant settled in New Jersey, but made frequent visits to

Eastern Virginia, on which occasions an intimacy had been formed between himself and the lieutenant-governor. Burden was the agent of Lord Fairfax, proprietor of the "Northern Neck," and when on a visit to Williamsburg, in 1736, he met John Lewis, whom he accompanied to his mountain home, where he spent some months in hunting. While here he caught and tamed a buffalo calf, which, upon his return to Williamsburg, he presented to Governor Gooch. That official was so much pleased with his mountain pet that he directed a patent to be issued authorizing Burden to locate 500,000 acres of land on the upper waters of the Shenandoah and James rivers. This survey, when completed, embraced the southern part of Augusta and the whole of the county of Rockbridge. The surveyor was Captain John McDowell, who, in 1743, was killed by a band of Shawanee Indians near the Natural Bridge.

Burden at once went to Europe for the purpose of securing emigrants to settle upon his lands, and in 1737 returned, bringing with him more than a hundred families. Among these primitive emigrants we meet with the names of some who have left a numerous posterity, now widely dispersed, not only over the Virginias, but throughout the South and West—such as Ephraim McDowell, Archibald Alexander, John Patton, Andrew Moore, Hugh Telford and John Matthews. The first party was soon joined by others, mostly of their relatives and acquaintances, from the mother country. Among these latter were the Prestons, Paxtons, Lyles, Grigsbys, Stewarts, Crawfords, Cumminses, Browns, Wallaces, Wilsons, Caruthers, Campbells, McCampbells, McClungs, McCues, Mc-

Kees and McCowns. No one acquainted with the race who imbibed the indomitable spirit of John Knox can fail to recognize the relationship. They were Irish Presbyterians, who, being of Scotch extraction, were called Scotch-Irish.

Long centuries ago a little fleet of coracles bore a tribe of Scots, as the inhabitants of Ireland were then called, from the white cliff walls of County Antrim to the rocky and indented coast of South Argyle, West Scotland. There the little kingdom of "Scots Land," which these Irishmen founded, slumbered in obscurity among the lakes and mountains to the south of Loch Lynn until the thirteenth century, when, under the leadership of McAlpine, it suddenly rose to prominence. From that time to the present every student is familiar with the annals of the Scotch-Irish race. He knows how many of its representatives sealed their faith with their blood during the siege of Londonderry and on other fields. High up on the world's temple of fame that race has enshrined many illustrious names. No people in Europe has exhibited more evidences of human greatness, or is more renowned for valorous deeds, than the Scotch-Irish, and the race transplanted to America has lost naught of that which constitutes true nobility, for in every department of learning, of useful service and of heroism, by land or sea, it has lent honor to our national annals.

While these determined people were finding homes in the Upper Valley the lower portion was being occupied by the sturdy yeomanry of Germany. No European nation contributed a better class of emigrants than these. Arriving first in Pennsylvania, they pressed onward in search of fertile lands. These

they found in the Shenandoah Valley, and almost the entire region of country from where Harrisonburg now stands to Harper's Ferry was possessed by them before the beginning of the French and Indian war. During that struggle hundreds of them served with Washington, and at its close the bones of many of them lay bleaching on the disastrous field of Monongahela. When the Revolution came their sons were ready, and many of them filled the Virginia line in the strife for independence.

But the Scotch-Irish and the Germans were not the only people who found homes in the Shenandoah Valley, for in its occupation and settlement there were blended almost all the elements of European civilization which were transplanted to our shores. Hither came and here met the devoted Huguenot, the pious cavalier of Virginia, the strict Catholic of Maryland, the steady Quaker of Pennsylvania, the Baptists and Presbyterians from New Jersey, the sternly religious Puritans from New England and the Lutherans and Moravians from the banks of the Rhine. For awhile these distinct elements maintained their individuality, but a long series of Indian wars, together with the Revolution, forced them into a united whole, and so complete was the assimilation that instead of a later divergence they have by common interests become more firmly bound together. From such an ancestry have descended a large proportion of the population of West Virginia.

From 1732 to 1750 many pioneers found homes in the Opequon, Back Creek, Little and Great Cacapon and South Branch valleys. These settlements were made principally within the present limits of Jefferson,

Berkeley, Morgan and Hampshire counties and were the earliest in West Virginia. Quite a number of those who settled on Opequon, now in Berkeley and Jefferson, were Quakers, and to them is due the credit of having established the first religious organization, not only in West Virginia, but west of the Blue Ridge. That they had regular meetings here as early as 1738 is proven conclusively by a letter written by Thomas Chauckley on the 21st of May of that year and addressed to "*The Friends of the Monthly Meeting at Opequon.*"

After stating that he was unable to visit them because of his great age, he continues: "I desire that you be very careful—being far and back inhabitants—to keep a friendly correspondence with the native Indians, giving them no occasion of offence, they being a cruel and merciless enemy when they think they are wronged or defrauded of their rights, as woeful experience hath taught in Carolina, Virginia and Maryland, and especially in New England. . . . Therefore, my counsel and Christian advice to you is, my dear friends, that the most reputable do with speed endeavor to agree with and purchase your lands of the native Indians or inhabitants. . . . Consider you are in the province of Virginia, holding what rights you have under that government; and the Virginians have made an agreement with the nations to go as far as the mountains and no farther, and you are over and beyond the mountains, therefore out of that agreement, by which you lie open to the insults and incursions of the southern Indians, who have destroyed many of the inhabitants of Carolina and Virginia." (Chauckley's Letter in "History of the Valley.")

A century and a half have passed away since the first white men found homes in West Virginia. It is not a long time; yet, when they came, Washington was an infant in his mother's arms; no Englishman had been on the banks of the Ohio; no white man had found a home within the present confines of Georgia; New Hampshire was a part of Massachusetts; the French had a *cordon* of forts extending from the St. Lawrence to the Mississippi, and savage tribes roamed over all the country from the Blue Ridge to the Pacific. It was five years before the founding of Richmond, twenty-three years before the French and Indian war, and forty-three years before the Revolution. Truly this is the old part of West Virginia.

CHAPTER VI.

THE FRENCH AND INDIAN WAR.

The French in America—The Claims of the two Nations to the Ohio Valley—The Ohio Land Company—The Men Composing it—Its Grant for all the Lands lying between the Monongahela and Great Kanawha Rivers—Christopher Gist, its Agent and Explorer, sent to the Ohio—The New Province of "Vandalia"—Other Land Companies—The French Expedition to the Ohio—They Bury Leaden Plates at the Mouths of the Principal Tributaries—Notice of one Deposited at the Mouth of the Great Kanawha—Governor Dinwiddie sends Washington with despatches to the French Commander—The English attempt the Erection of a Fort at the Forks of the Ohio—The French build Fort DuQuesne—Washington's March to the West—Erection and Surrender of Fort Necessity—General Braddock arrives in Virginia—His March into the Wilderness—His disastrous Defeat at the Battle of Monongahela—The Big Sandy Expedition of 1756—Campaign of General Forbes—France loses her Sovereignty in America.

WHILE Spain was reaping a golden harvest in Mexico and Peru, and England was planting agricultural states along the Atlantic coast, France was founding settlements on the banks of the St. Lawrence and around the Great Lakes. Her tradesmen and missionaries journeyed side by side, and wherever the beautiful *Fleur-de-lis*—emblem of France—was planted, there too was reared the Cross—emblem of the faith of those who thus dared the perils of the wilderness. It was a curious combination of Church and State, of commerce and religion. But Canada was the child of the Church, and her first explorers were the heralds of the Cross. Champlain, the founder of Quebec, was accustomed to say that "The saving of a soul is worth more than the conquest of an empire;" and such was the faith of the men who first bore the standard of

civilization to the Mississippi valley and the distant shores of Lake Superior. As the years sped away, these enthusiasts labored on in an effort to secure the accomplishment of their cherished object—the conversion of Canada. The raging tempest, the rigors of an Arctic winter, hunger, the tomahawk, nor fear of death, deterred them from the prosecution of their self-imposed task—that of saving Canada for the Church. Such were the first white men within the present limits of Ohio, Indiana, Illinois, Michigan, Wisconsin and Missouri. Such, too, were they who first descended the Mississippi and saw the mouth of the Ohio, the discovery of which, according to the recognized law of nations, entitled their country to the possession of the valley drained by that river. When an hundred years had passed away, these pious zealots had made themselves acquainted with all the country from the Lakes on the north to the Gulf on the south, and from the Alleghenies on the east to the Lake of the Woods on the west, and had won thereto a title based upon the right of discovery—a right all nations had agreed to award each other. They drew maps of all this region, which, together with Canada, was called New France. The eastern boundary was indicated by the crest of the Allegheny mountains and what is now West Virginia was then a part of New France, and within the jurisdiction of the court of Versailles.

But another nation beyond the sea laid claim to the Ohio valley. England claimed it as part of Virginia, basing her title to the same upon the discoveries of John and Sebastian Cabot, who sailed along the Virginia coast in 1498. She also set up another claim

—priority of discovery—a claim utterly absurd and entirely untenable. It was based upon a tradition which related that a man of the name of John Howard and his son, about the year 1720, reached the South Branch of the Potomac, crossed the mountain, and on the banks of the Ohio constructed a frail bark in which he descended that river and the Mississippi to New Orleans, where they were apprehended by the French and sent to France. There, nothing criminal appearing against them, they were discharged and crossed over to England.

Such were the conflicting claims of the two nations. Neither occupied the land, yet both were determined to possess it. The courts of London and Versailles watched with a jealous eye the acts of each other, and it became evident that the final struggle for territorial supremacy in America was near at hand. Thus stood matters in the year 1748. Both nations had been engaged in the War of the Austrian Succession, and the truce secured by the terms of the treaty of Aix-la-Chapelle, afforded both an opportunity to push their schemes of colonization into the Ohio valley. Britain was ably seconded by her Virginia colonists. That province bounded its ancient domain by Lake Erie and, to secure the Ohio valley to the English world, Thomas Lee, President of the Council of Virginia, and his associates proposed a colony beyond the Alleghenies. "The country west of the Great Mountains is the centre of the British dominions," wrote Lord Halifax, and he and other courtiers were so elated with the hope of possessing it by colonizing it that, through the favor of Henry Pelham and the Board of Trade, they obtained, in March, 1749, instructions from George II.,

to the Governor of Virginia, to grant to a corporation designated as "The Ohio Land Company," five hundred thousand acres of land between the Monongahela and Great Kanawha rivers. The company was composed of twelve members, all of whom were residents of Virginia or Maryland, except John Hanbury, a merchant of London. Among the former were Lawrence and Augustine Washington—brothers of George Washington—George Mason, John Mercer and Robert Dinwiddie, Surveyor-General of the Southern Colonies and Lieutenant-Governor of Virginia. Prominent among the Maryland representatives was Colonel Thomas Cresap. They were to pay no quit-rents for ten years, to colonize within seven years at least one hundred families, to survey at once at least two-fifths of their lands, and at their own expense to build and garrison a fort.

The company hastened to call Christopher Gist, a distinguished surveyor, from his home on the Yadkin river in North Carolina, and sent him to the west to explore their lands. Gist repaired to Wills' creek, now Cumberland City, Maryland, and on the 31st of October, 1750, set out on his journey. Passing over the mountains he reached the Allegheny river, which he crossed a few miles above the present site of Pittsburg, and pressing on reached Logstown, the home of Tannacharison, a Mingo chieftain, called the Half King of the Six Nations. Continuing his journey westward, he reached the Ottawa and Wyandotte towns, near the present site of Zanesville, Ohio, where he met George Croghan, Indian agent for Pennsylvania, with whom he visited the Indian town of Pequa. From there Croghan returned home and Gist proceeded down the Miami to

its mouth, and thence descended the Ohio to within a few miles of the falls. Returning to the mouth of the Great Kanawha he made thorough exploration of the lands of his employers north of that river, and returned to Virginia in May, 1751. He was probably the first Englishman ever in that part of West Virginia lying between the Monongahela and the Great Kanawha rivers.

John Hanbury, the English representative of the company, was a wealthy and influential merchant of London and very popular with the planters of Virginia, with whose consignments and mercantile affairs he was largely intrusted. He died in Coggeshall, in Essex, England, June 22, 1758.

The company at once established a depot of supplies at Wills' creek, and began the erection of a fort at the forks of the Ohio, but the beginning of hostilities prevented them from surveying their lands and founding a colony thereon. Their failure to comply with these conditions of their grant rendered void their title, and John Mercer, the author of "Mercer's Abridgement of the Laws of Virginia," and a member of the company, drew up, in 1760, a memorial to the King asking for such instructions to the government in Virginia as would enable the corporation to secure the object of its creation, and Colonel George Mercer, son of John, went to England as the agent of the company. But owing to conflicting interests of private individuals in Virginia, claims of officers and soldiers under Dinwiddie's proclamation, and the schemes and application of the proprietors of the grant to Thomas Walpole, a London banker, and others, known as "Walpole's Grant," Mercer's efforts proved futile, and he at last

agreed to merge the interests of the Ohio Company into those of Walpole's or the "Grand Company," on condition of securing to the former two shares of the latter or one thirty-sixth of the whole.

Later on a petition was sent over sea from Virginia praying for the formation of a separate government for that portion of Virginia lying between the Allegheny mountains and the Ohio, including the territory now composing the State of West Virginia. On the 2d day of December, 1773, George Mercer, who was still in London, addressed a letter to George W. Fairfax, which is still preserved, and from which it is learned that the new province was to be called "Vandalia," the seat of government of which was to be at the mouth of the Great Kanawha, and George Mercer to be the first governor. That Washington was apprised of this scheme is apparent from the advertisement for the sale of his lands on the Ohio and Great Kanawha rivers, which appeared in the *Virginia Gazette* in 1773, from which the following is an extract:

"And it may not be amiss, further to observe that if the scheme for establishing a new government on the Ohio, in the manner talked of, should ever be effected, these must be the most valuable lands in it, not only on account of the goodness of the soil and other advantages above mentioned, but from their contiguity to the seat of the government which, it is more than probable, will be fixed at the mouth of the Great Kanawha."

The Revolution put an end to all these negotiations, and had it not been so, it is probable that there would have been an independent government in what is now West Virginia more than a century before it came.

But the grant to the Ohio Company was not the only cause of alarm to France. Others soon followed. In 1749 a grant of eight hundred thousand acres extending northward from the North Carolina line was made to the Loyal Land Company; and on the 29th of October, 1751, the Greenbrier Company was authorized to locate one hundred thousand acres on the waters of Greenbrier river. In these transactions the interests of British commerce were considered rather than the articles of the treaty of Aix-la-Chapelle.

France determined not to yield before the threatening attitude of her powerful rival, and as a preliminary step in taking formal possession of the Valley of the Ohio, determined to place along that river a number of leaden plates bearing inscriptions asserting her claims to the lands on both sides of that stream even to the source of its tributaries. The command of the expedition sent out to deposit these plates was given to Captain Bienville De Celeron. It consisted of eight subaltern officers, six cadets, an armorer, twenty soldiers, one hundred and eighty Canadians, fifty-five Indians and Father Bonnecamps, who styled himself the "Jesuitte Mathematicien."

The expedition left Montreal on the 15th of June, 1749, and on the 29th of July reached the Allegheny at the mouth of the Conewago, where the first plate was buried. The journey was continued, and on the 3d day of August the second plate was buried near the mouth of French creek. Thence the voyage was continued down the Ohio; the present boundary line between Ohio and Pennsylvania was passed, and on the 13th the little fleet lay to at the mouth of Wheeling creek, which the French called *Kanououara*, and

there the third plate was buried. Here the night was spent and on the morning of the 14th the voyage was resumed. The present site of Moundsville was passed. Another night came and went and on the 15th the voyagers went on shore at the mouth of a beautiful river which flowed in from the northwest. It was the Muskingum of the Indians, and the site was that of the present city of Marietta, the oldest European settlement in Ohio. Here the fourth plate was buried. Once more the little flotilla launched forth upon the stream, and on the 16th the mouth of the Little Kanawha was passed and Blennerhassett's island—the "Deserted Isle" of after times—was left behind. The night of the 17th was spent in the vicinity of the Pomeroy Bend, and on the morning of the 18th a rain storm drove the canoes ashore at the mouth of the Gréat Kanawha; and here on that day, on the point on which the town of Point Pleasant now stands, the fifth plate was buried. Here Celeron wrote in his journal: "*Enterrée au pied d'un orne, sur la rive meridionale de l'Oyo, et la rive orientale de Chinondaista, le 18 Aout, 1749.*" "Buried at the foot of an elm, on the south bank of the Ohio and on the east bank of the Chinondaista, the 18th day of August, 1749."

This plate was found in 1846, by a son of John Beale, then of Mason county, Virginia, but afterward of Kentucky, and removed from the spot in which it had lain for ninety-seven years. It passed into the possession of James M. Laidley, a member of the General Assembly from Kanawha county, who in 1850 carried it to Richmond, where it is now preserved in the cabinet of the Virginia Historical Society. The following is a translation of the inscription which it bears:

"In the year 1749, reign of Louis XV., King of France, We, Celeron, commandant of a detachment sent by Monsieur the Marquis de la Galissoniere, Commandant General of New France, to re-establish tranquillity in some Indian villages of these cantons, have buried this plate at the mouth of the river Chinodashichetha the 18th August, near the river Ohio, otherwise Beautiful River, as a monument of renewal of possession, which we have taken of the said river Ohio, and of all those which fall into it, and of all the lands on both sides as far as the sources of said rivers; the same as were enjoyed, or ought to have been enjoyed by the preceding Kings of France, and that they have maintained it by their arms and by treaties, especially by those of Ryswick, Utrecht and Aix-la-Chapelle."

Heavy rains detained the detachment at Point Pleasant two days. Leaving on the 20th the voyage was continued down the Ohio. For many days their canoes floated on beneath the sombre shades of the primeval forests which then overshadowed the river. On the 30th the Great North Bend of the Ohio was passed and they reached the mouth of the Great Miami, where, on the 31st, the sixth and last plate was buried. From here the homeward march was begun, and on the 10th day of November they reached Montreal, having accomplished a journey of more than twelve hundred leagues.

In 1753 the French advanced southward from Canada, building a *cordon* of forts extending from Lake Erie to the Ohio. The first of these structures was located at Presqu' Isle, now Erie; the second at Le Boeuf, now Waterford; and the third at Venango, now

Franklin. To stay these movements, the Governor of Virginia determined first to resort to diplomacy. Major George Washington, then but twenty-one years of age, was summoned to Williamsburg and intrusted with the hazardous mission of carrying messages to the French authorities on the Upper Ohio. He chose as his companions, Christopher Gist, Jacob Van Braam, a French interpreter, John Davidson, an Indian interpreter, William Jenkins, Henry Stewart, Barnaby Currien and John McGuire, and at once proceeded to the Ohio valley. On the 4th day of December he reached Venango, the most southern outpost of France. Here he learned that the headquarters of the French commander were at Le Boeuf, and pressing on to that place, he met a courteous reception from Le Gardeur de St. Pierre, to whom he delivered Dinwiddie's message. St. Pierre promised to forward it to the Governor-General of Canada, but stated that his orders were to hold possession of the Ohio valley, and that he would do so to the best of his ability. Washington's first public service was performed, and he retraced his steps over the bleak and leafless Alleghenies to the English border.

Virginia prepared for war. A company of West Virginia pioneers was speedily collected in the Hampshire Hills and under the command of Captain William Trent crossed the mountains, and in January, 1754, began the erection of a fort at the forks of the Ohio. The work was continued until the 16th of April, when a large force of French and Indians having descended the Allegheny appeared on the scene. Contrecoeur, the French commander, sent a summons to surrender. Resistance was vain. Captain Trent

obeyed the summons and marched up the Monongahela. The French completed the work and bestowed upon it the name of Fort Du Quesne in honor of the Marquis de Du Quesne de Menneville, who became Governor-General of Canada in 1752.

Meanwhile, Washington was advancing to the west with two companies from lower Virginia, and another collected in the vicinity of Harper's Ferry, under the command of Captain Adam Stephen. When he heard of the disaster at the forks of the Ohio, he halted and built Fort Necessity. The French advanced to the attack and the first engagement took place between the van-guard of the two armies on the 28th of May. The French loss was ten killed and twenty-two prisoners; among the former was M. Jumonville, the commander, and among the latter M. La Force. Captain Thomas Cresap conducted the prisoners to Williamsburg. Here La Force succeeded in escaping from prison, but was apprehended by a backwoodsman in New Kent county, who refused the valuable bribe, offered by La Force for his release. The French came on in strong force, attacked the English and on the Fourth day of July, 1754, Washington surrendered Fort Necessity and in great discomfiture began the march to Wills' creek.

The year 1754 closed with the French in complete possession of the Ohio valley. But a war was begun which, in its results, was to change the geography of a continent and exert a powerful influence in moulding the destinies of nations. Both nations speedily mustered veteran regiments fresh from the battle-fields of the Old World, and transferred them to the wilds of North America. In midwinter, General Edward



GENERAL BRADDOCK.

Braddock sailed from the harbor of Cork with two regiments destined for Virginia, and on the 20th of February, 1755, cast anchor in Chesapeake bay. About the same time a French fleet sailed from the harbor of Brest, freighted with munitions of war. But two of their ships, "The Lys" and "The Alcide," were captured off the banks of Newfoundland by a British fleet commanded by Admiral Boscawen.

The troops which came with Braddock were the 44th and 48th Royal Infantry Regiments, commanded respectively by Sir Peter Halkett and Colonel Thomas Dunbar. From Alexandria they proceeded up the Potomac, passing through the present counties of Jefferson, Berkeley and Morgan, West Virginia, their route lying near the present site of Martinsburg; they continued the march to Fort Cumberland, previously known as Wills' creek—now Cumberland City, Maryland—which had been erected in the autumn of 1754, by Colonel Ennes, commanding a detachment of South Carolina and New York troops. Here about one thousand Virginians, principally from the Shenandoah valley, joined Braddock and on the 8th of June the army began its march into the wilderness, its object being the reduction of Fort Du Quesne. Soon the command was divided: the general advanced with twelve hundred chosen men and Sir Peter Halkett, as brigadier, Lieutenant-Colonel Gage—afterward General Gage of the Revolution—Lieutenant-Colonel Burton and Major Sparks, leaving Colonel Dunbar with the heavy artillery and baggage to follow on as rapidly as possible.

Slowly the splendid pageant moved on; long lines of soldiers in scarlet uniform, contrasting strangely

with the verdure of the forest, filed along the narrow paths, while strains of martial music filled the air. Scouts carried intelligence of the advance to Fort Du Quesne, where all was alarm and excitement. Contre-cour, the commandant, prepared to retreat; but Beaujeau, the second in command, proposed to go out and fight the English in the woods. A thousand savage warriors lounged around the walls of Fort Du Quesne. To them Beaujeau appealed. Chiefs gathered their warriors who, to the number of six hundred, accompanied by two hundred and fifty French and Canadians, left the fort, and marched away beneath the midsummer shades of the Monongahela valley. It was the evening of the 8th of July when the English columns, for the second time, reached the Monongahela at a point distant ten miles from Fort Du Quesne. On the next day a crossing was effected, and once more the ranks were formed on the level plain before them. The engineers and light horsemen were in front, then came the advance numbering three hundred under Colonel Gage, and next came Brad-dock with the artillery and main body of the army, followed by the baggage.

The order to march was given, but scarcely were the columns in motion when Gordon, one of the engineers, saw the French and Indians bounding through the forest, and at once a deadly fire was poured in upon the English. The grenadiers returned it and Beaujeau fell dead, but Dumas, the second in command, rallied his forest warriors and for three dreadful hours a storm of leaden hail was poured in upon the beleaguered army, whose commander continued to force them to form in platoons and columns as if they

had been manœuvring on the fields of Europe. The Virginians, contrary to his orders, took positions behind trees and fought the savages in accordance with their own mode of warfare, but many of them were killed. In the company commanded by Captain Perouny every officer had fallen except himself and one corporal. That commanded by Captain John Poulson suffered equally. In a Virginia company were two brothers—Joseph and Thomas Fausett. The former, in defiance of Braddock's silly order that the Virginians should not protect themselves behind trees, had taken such a position, when Braddock rode up and struck him down with his sword. The brother, who was near by, witnessed the transaction, and at once shot Braddock through the lungs. Of the twelve hundred men who crossed the Monongahela, sixty-seven officers and seven hundred and fourteen privates were either killed or wounded. Of the aides-de-camp, Captains Orme and Morris had fallen and Washington alone was left. Collecting the remnant of the Virginians, he covered the retreat of the shattered army toward Fort Cumberland. On the fourth day General Braddock died and was buried in the road near the ruins of Fort Necessity. Afterward his remains were disinterred and removed to England, where they now repose beneath the quiet shades of Westminster Abbey. When Dunbar was met, his troops were seized with a panic; disorder and confusion reigned; the artillery and baggage were destroyed, and the retreat degenerated into a rout which continued until the straggling companies reached Fort Cumberland. From there Colonel Dunbar marched the regulars to Philadelphia, and Washington, with the surviving Virginians, marched across

what is now the eastern part of West Virginia, probably through Hampshire county, to Winchester. Thus ended in failure the campaign of 1755.

The Indians, instigated by the French, now waged a merciless warfare along the Virginia frontier. In the spring of 1756, they destroyed the settlements on the Roanoke, Catawba, and Jackson's rivers; they penetrated the lower portion of the valley, even to the Blue Ridge, committing many horrid murders, and seriously threatening the destruction of Winchester. The terror inspired by these atrocities influenced the General Assembly, in 1756, to direct the building of a line of forts from the Potomac through the Allegheny mountains, to the present northern boundary of Tennessee. This work prevented Virginia from participating in the northern campaigns against the French during this year. But late in the autumn she equipped a force and sent it against the western Indians. This was what is known in border annals as the "Big Sandy River Expedition." The force rendezvoused on the Roanoke near the present town of Salem, Virginia, and consisted of a company of regulars from the garrison at Fort Dinwiddie on Jackson's river, under the command of Captain Audley Paul; a company of minute men from Botetourt, commanded by Captain William Preston; two companies from Augusta, under Captains John Alexander and Peter Hogg; and a party of friendly Cherokees, at whose head was Captain Richard Pearis; the whole commanded by Colonel Andrew Lewis. Captain Hogg's company failed to arrive at the appointed time, and Colonel Lewis, after delaying a week, marched forward, expecting soon to be overtaken by it. The object was the



GENERAL BRADDOCK MORTALLY WOUNDED.

destruction of the Indian towns in the Scioto valley. Crossing New river below the Horse Shoe Bend and proceeding up East river through the present county of Mercer, West Virginia, they passed over to the source of Blue Stone river, and thence to the head waters of the north fork of the Big Sandy, within the present limits of McDowell county. Descending this stream they halted at the Burning Spring, now in Logan county, opposite the town of Warfield, Kentucky, where they remained a day. Here two buffaloes were killed, and the skins hung up on a beech tree. Continuing the march down the river, they again halted near the mouth of Grayson's creek, now in Wayne county, within ten miles of the Ohio river. Here they were overtaken by the company of Captain Hogg. At the same time a messenger arrived with orders for the command to return home and disband. This produced great dissatisfaction throughout the camp. They had suffered much during their march from the inclemency of the weather, and from a want of provision. They had borne these hardships without repining, in anticipation of chastising their enemy. And now, when they were within a few miles of the Ohio, they saw the result of their toils end in failure. A council of war was held, and it was determined to push on to the Ohio. This they did, and encamped two nights and a day at the mouth of the Big Sandy river. This was the first English military expedition that ever reached the Ohio, south of Pittsburg. From here the homeward march began, and on the second night, while encamped on the banks of the Big Sandy, some of Captain Hogg's men went out on the hills to hunt; they fell in with a party of Indians; several shots

were fired, two of the Virginians were killed, and a Shawnee warrior was wounded and taken prisoner. The march was resumed, the men suffering intensely from cold and hunger. The pack-horses no longer serviceable were killed and eaten. And when the army arrived at the Burning Spring, the buffalo hides were cut into *tugs*, and eaten by the troops, after having been exposed to the heat of the flame from the spring. Hence they called the stream Tug river—a name by which the north fork of the Big Sandy has ever since been known. Then they subsisted on beech nuts. But a deep snow fell, and these could no longer be obtained. Then the army broke up into small detachments, the greater number of which, after untold suffering, returned to civilization. But many had perished, and their bones lay bleaching amid the snow on the mountains of West Virginia.

Among the officers of this expedition were several prominent in pioneer history. Captain John Alexander was the ancestor of the Virginia family bearing that name. His son, Dr. Archibald Alexander, was long President of Hampden Sydney College, Virginia, and later a professor of Princeton, New Jersey.

Lieutenant John McNutt, of Captain Alexander's company, was, soon after the return of the expedition, appointed Governor of Nova Scotia, where he remained until the beginning of the Revolution. He adhered to the American cause and joined General Gates at Saratoga. Later he served with distinction in the brigade of Baron de Kalb. He died in 1811, and was buried in Falling Spring church-yard, at the forks of James river.

Captain Robert Breckinridge was a lieutenant in

one of the Augusta companies. Emigrating to Kentucky, he became the founder of the Breckinridge family of that State. He was the first representative from Jefferson county to the first General Assembly of Kentucky, which met in 1792, and was chosen speaker of the lower House.

Captain William Preston, who commanded the minute men from Botetourt, was a son of John Preston, founder of the distinguished Preston family of Virginia. Few if any American families have numbered so many honored representatives as this. Captain Preston was one of the earliest pioneers of southwest Virginia. He long resided at Smithfield, Botetourt county, where he reared a large family, one of whom, James P., served with the rank of colonel during the second war with Great Britain, and became Governor of Virginia in 1816.

Captain Peter Hogg, commanding one of the Augusta companies, was born in Edinburgh, Scotland, in 1703. Together with two brothers, James and Thomas, he came to Virginia about 1745 and settled in Augusta county. He received a captain's commission March 9, 1754, and May 10, 1759, was granted license to practise law. On the 10th of April, 1772, Lord Dunmore appointed him attorney-general for the county of Dunmore—now Shenandoah. He died April 20, 1782. For his military services he received under Dinwiddie's proclamation of 1754, 8,000 acres of land, which he located on the Ohio river eight miles above the mouth of the Great Kanawha—now in Mason county, West Virginia.

The next year, 1757, the savage allies of France continued the war along the frontier, and in 1758, Vir-

ginia mustered two regiments, the first commanded by Colonel Washington, the second by Colonel Byrd. In July the greater part of this force marched from Winchester through the eastern part of West Virginia to Fort Cumberland, and thence into Pennsylvania, where it joined the army of General Forbes in his campaign against Fort Du Quesne. The Virginians led the advance and the French, alarmed at their approach, burned Fort Du Quesne and descended the Ohio river in boats. On the 25th of November, 1758, the English took possession of the spot. They rebuilt the fortress and named it Fort Pitt, in honor of William Pitt, then at the head of the British ministry. The next year the war was prosecuted at the north; Niagara, Crown Point and Quebec surrendered and the treaty of Fontainebleau, in November, 1762, ended the war.

Thus the dominion and power of France ceased on this continent and no traces of her lost sovereignty exist, save in the few names she has left on the prominent streams and landmarks of the country and in the leaden plates which, inscribed in her language and asserting her claims, still lie buried on the banks of the "Beautiful River." Her temporary occupation of the country, the voyages of her navigators and the discoveries of her discoverers, live only on the pages of history and in her archives, where she has so carefully preserved them.

CHAPTER VII.

THE INDIAN TITLE TO THE TERRITORY NOW EMBRACED IN WEST VIRGINIA.

The Six Nations—The Tuscaroras—Treaty of Fort Stanwix—Indian Cession of Territory South of the Ohio—Deed of Cession—Other Tribes refuse to ratify the same—The Mississippi Company.

THE most powerful Indian confederacy existing in America since its discovery was that known as the Six Nations. Prior to the year 1713, it was called the Five Nations and was then composed of the Mohawks, Oneidas, Onondagas, Cayugas and Senecas. The names of lakes and rivers in Western New York still indicate the sites of their former residence. In the last named year the Tuscaroras, of North Carolina, marched northward and entering the confederacy became the sixth nation. Fierce and warlike they triumphed over the Eries, Susquehannas and other eastern nations. Then turning southward, they carried their victorious arms to the Tennessee and westward to the distant shores of Lake Superior, and in 1675, compelled allegiance on the part of the Delawares, Shawanees and other tribes residing in the Ohio valley. Thus by conquest they established their title to all the country lying between the Allegheny mountains and the Great Lakes. In defence of this title they allied themselves with the French during the French and Indian war. It was the warriors of this confederacy that shot down Braddock's army on the banks of

the Monongahela, and continued the war after French sovereignty was lost in the valley of the Ohio. But in 1764 they were defeated in a pitched battle at Bushy Run, in Western Pennsylvania, by the forces of Colonel Boquet, soon after which, by treaty, hostilities for the time came to an end.

A definite boundary line was now sought by both the English and Indians. That the former then conceded the title of the latter to extend eastward to the Allegheny mountains is a matter of record. John Blair, then Governor of Virginia, in his message to the House of Burgesses, May 31, 1768, said: "It will appear from data laid before you that a set of men, regardless of the laws of natural justice, unmindful of the duties they owe to society, and in contempt of royal proclamations, *have dared to settle themselves upon the lands near Red-stone creek and Cheat river which are the property of the Indians*; and notwithstanding the repeated warnings of the danger of such proceedings, and the strict and spirited injunction to them to desist and quit their unjust possessions, they still remain unmoved and seem to defy the orders and even the powers of government."

In the same year representatives of the Six Nations, in an address to Major Crogan, the king's deputy superintendent of Indian affairs at Fort Pitt, said: "Brothers, it is not without grief that we see our country settled by you without our knowledge or consent, and it is a long time since we complained to you of this grievance. The settlers must be removed from our lands, *as we look upon it, they will have time enough to settle them when you have purchased them and the country becomes yours.*"

In the autumn of the same year Richard Jackson and Benjamin Franklin, agents of the Pennsylvania colony at London, waited on the British secretary of state and requested that the boundary be at once determined. In compliance with their request orders were at once sent to Sir William Johnson, the king's superintendent of Indian affairs, commanding him to "at once complete the purchase of the lands from the Allegheny to the river Ohio."

Upon receipt of these instructions notice thereof was given to the governments of Virginia, Pennsylvania and New Jersey, and also to the Six Nations. Sir William Johnson appointed a Congress to be held for the purpose of carrying the king's orders into execution, at Fort Stanwix, now Rome, New York. The above-named colonies appointed commissioners who repaired to the place of meeting, where they were met by a large number of chieftains and warriors of the Six Nations, and the conference was opened on the 24th of October, 1768, Sir William Johnson presiding. For five days the proceedings were conducted with all the decorum of a savage court. The right and title of the Indians to the territory in question was maintained with all the eloquence of these forest orators. The colonial commissioners admitted the same and tendered a sum of money, goods, etc., in payment therefor. The offer was accepted and the following deed of cession signed and delivered to the presiding officer:

GRANT FROM THE SIX UNITED NATIONS TO THE
KING OF ENGLAND.

"To all to whom these presents shall come or may concern: We, the sachems and chiefs of the Six Con-

federate Nations, and of the Shawnees, Delawares, Mingoes of Ohio, and other dependent tribes, on behalf of ourselves and of the rest of our several nations, the chiefs and warriors of whom are now here convened by Sir William Johnson, baronet, his majesty's superintendent of our affairs, send greeting :

"Whereas, his majesty was graciously pleased to propose to us, in the year one thousand seven hundred and sixty-five, that a boundary line should be fixed between the English and us, to ascertain and establish our limits, and prevent those intrusions and encroachments of which we had so long and loudly complained ; and to put a stop to the many fraudulent advantages which had been so often taken of us ; which boundary appearing to us as a wise and good measure, we did then agree to a part of a line, and promised to settle the whole finally, whensoever Sir William Johnson should be fully empowered to treat with us for that purpose :

"And whereas, his said majesty has at length given Sir William Johnson orders to complete the said boundary line between the provinces and Indians ; in conformity to which orders, Sir William Johnson has convened the chiefs and warriors of our respective nations, who are the true and absolute proprietors of the lands in question, and who are here now to a very considerable number :

"And whereas, many uneasinesses and doubts have arisen amongst us, which have given rise to an apprehension that the line may not be strictly observed on the part of the English, in which case matters may be worse than before ; which apprehension, together with the dependent state of some of our tribes, and other

circumstances, retarded the settlement and became the subject of some debate; Sir William Johnson has at length so far satisfied us upon it as to induce us to come to an agreement concerning the line, which is now brought to a conclusion, the whole being fully explained to us in a large assembly of our people, before Sir William Johnson, and in the presence of his excellency the Governor of New Jersey, the commissioners from the provinces of Virginia and Pennsylvania, and sundry other gentlemen; by which line so agreed upon, a considerable tract of country, along several provinces, is by us ceded to his said majesty, which we are induced to and do hereby ratify and confirm to his said majesty, from the expectation and confidence we place in his royal goodness, that he will graciously comply with our humble requests, as the same are expressed in the speech of the several nations addressed to his majesty through Sir William Johnson, on Tuesday, the first day of the present month of November; wherein we have declared our expectations of the continuance of his majesty's favor, and our desire that our ancient engagements be observed, and our affairs attended to by the officer who has the management thereof, enabling him to discharge all the matters properly for our interest; that the lands occupied by the Mohawks around their villages, as well as by any other nation affected by this our cession, may effectually remain to them and to their posterity; and that any engagements regarding property, which they may now be under, may be prosecuted, and our present grants deemed valid on our parts with the several other humble requests contained in our said speech:

“And whereas, at the settling of the said line, it appeared that the line described by his majesty’s order, was not extended to the northward of the Owegy, or to the southward of the Great Kanawha river; we have agreed to and continued the line to the northward, on a supposition that it was omitted by reason of our not having come to any determination concerning its course at the Congress held in one thousand and seven hundred and sixty-five; and inasmuch as the line to the northward became the most necessary of any for preventing encroachments on our very towns and residences; and we have given this line more favorably to Pennsylvania, for the reasons and considerations mentioned in the treaty; we have likewise continued it south to the Cherokee river, because the same is, and we do declare it to be, our true bounds with the southern Indians, and that we have an undoubted right to the country as far south as that river, which makes our cession to his majesty much more advantageous than that proposed.

“Now, therefore, know ye, that we, the sachems and chiefs aforementioned, native Indians and proprietors of the lands hereafter described, for and in behalf of ourselves and the whole of our confederacy, for the considerations herein before mentioned, and also for and in consideration of a valuable present of the several articles in use amongst the Indians, which, together with a large sum of money, amount in the whole to the sum of ten thousand four hundred and sixty pounds seven shillings and three pence sterling, to us now delivered and paid by Sir William Johnson, baronet, his majesty’s sole agent and superintendent of Indian affairs for the northern department of America, in the

name and behalf of our sovereign lord George the Third, by the grace of God, of Great Britain, France and Ireland, King, Defender of the faith, the receipt whereof we do hereby acknowledge; we, the said Indians, have for us, our heirs and successors, granted, bargained, sold, released and confirmed, and by these presents, do grant, bargain, sell, release and confirm unto our said sovereign lord, King George the Third, all that tract of land situate in North America, at the back of the British settlements, bounded by a line which we have now agreed upon, and do hereby establish as the boundary between us and the British colonies in America; beginning at the mouth of the Cherokee or Hogohege river where it empties into the river Ohio; and running from thence upwards along the south side of said river ('Ohio') to Kitanning, which is above Fort Pitt; from thence by a direct line to the nearest fork of the west branch of Susquehannah; thence through the Allegheny mountains, along the south side of the said west branch, till it comes opposite to the mouth of a creek called Tiadaghton; thence across the west branch and along the south side of that creek, and along the north side of Burnet's hills to a creek called Awandae; thence down the same to the east branch of the Susquehannah, and across the same, and up the east side of that river to Owegy; from thence east to Delaware river, and up that river to opposite to where Tianaderha falls into Susquehanna; thence to Tianaderha, and up the west side thereof, and the west side of its west branch to the head thereof; and thence by a direct line to Canada creek, where it empties into Wood creek, at the west end of the carrying place beyond Fort Stanwix, and

extending eastward from every part of said line, as far as the lands formerly purchased, so as to comprehend the whole of the lands between the said line and the purchased lands or settlements, except what is within the province of Pennsylvania; together with all the hereditaments and appurtenances to the same, belonging or appertaining, in the fullest and most ample manner; and all the estate, right, title, interest, property possession, benefit, claim and demand, either in law or equity, of each and every one of us, of, in or to the same, or any part thereof; to have and to hold the whole lands and premises hereby granted, bargained, sold, released and confirmed, as aforesaid, with the hereditaments and appurtenances thereunto belonging; under the reservations made in the treaty, unto our said sovereign lord, King George the Third, his heirs and successors, to and for his and their own proper use and behoof, forever.

"In witness whereof, we, the chiefs of the confederacy, have hereunto set our marks and seals, at Fort Stanwix, the fifth day of November, one thousand seven hundred and sixty-eight, in the ninth year of his majesty's reign.

ABRAHAM, or *Tyahanesera*,
Chief of [*L. S., *the Steel*] the Mohawks.
HENDRICK, or *Saguarisera*,
Chief of [*L. S., *the Stone*] the Tuscaroras.
CONAHQUIESO,
Chief of [*L. S., *the Cross*] the Oneidas.
BUNT, or *Chenaugheata*,
Chief of [*L. S., *the Mountain*] the Onondagas.

* The mark of his nation.

TAGAIA,

Chief of [*L. S., *the Pipe*] the Cayugas.

GAUSTARAX,

Chief of [*L. S., *the High Hill*] the Senecas.

“Signed, sealed and delivered in the presence of

WILLIAM FRANKLIN, Governor of New Jersey.

FREDERICK SMYTH, Chief Justice of New Jersey.

THOMAS WALKER, Commissioner for Virginia.

RICHARD PETERS, } of the Council of Pennsyl-

JAMES TILGHMAN, } vania.”

Thus the title to a large area of country, of which the territory now embraced within the confines of West Virginia formed a part, passed from the Six Nations and-vested in the King of England. But the Shawnees, Delawares, Mingoes and other tribes on and north of the Ohio, claimed that a part of the territory thus ceded belonged to them, and refusing to yield it to the English, continued to dispute its possession through all the years from the treaty of Fort Stanwix to that of Greenville, in 1795.

THE MISSISSIPPI COMPANY.

It was at this time that an effort was made to establish a landed corporation west of the mountains on a scale more extensive than any that had as yet been contemplated. What is now West Virginia was included in the sought for grant. The scheme failed, but through no fault of the would-be incorporators.

In December, 1768, Arthur Lee, late commissioner

to the Court of France, from the United Colonies of North America, presented a petition to the King of England in Council, praying in the following words, on behalf of himself and forty-nine other gentlemen: "That your majesty would grant to his petitioners, to be fifty in number, by the name of the Mississippi Company, two millions and five hundred thousand acres of land, in one or more surveys, to be located and laid off between the *thirty-eighth* and *forty-second degrees of north latitude, the Allegany mountain to the eastward, and thence westward to the dividing line* (the running of which your majesty has been lately pleased to order), and that your petitioners shall have liberty of holding these lands twelve years or any greater number that your majesty shall approve (after the survey of them be made and returned), clear of all imposition money, quit-rents or taxes; and that your petitioners shall be obliged to seat the said lands within twelve years, with two hundred families at least, if not interrupted by the savages, or some foreign enemy, and return the survey thereof *to such office as your majesty shall be pleased to direct*, otherwise to forfeit the grant."

The petition is yet preserved in the British archives, and on the back are the following indorsements:

"16th December, 1768, read and referred to a Committee."

"9th March, 1769, read by the Committee and referred to the Board of Trade."

If any further action was ever taken regarding it, no record of it has been found by the author.

CHAPTER VIII.

THE WAR ON THE BORDERS.

Pontiac's Conspiracy—Destruction of the Settlements in the Greenbrier Valley in 1763—Colonel Boquet's Treaty with the Indians—Colonel George Crogan's Descent of the Ohio—Washington's Journey to the Ohio in 1770.

THE French army was gone. But around the northern lakes dwelt many of the French who, smarting under the defeat which their arms had sustained, encouraged the savages to continue their barbarous warfare along the whole English frontier. To these forest warriors the French declared that their father, the King of France, had been sleeping, but would soon come with a powerful army to assist his children—the red men—in driving their enemies—the English—beyond the mountains. Thus influenced, nearly every tribe from New England to the western extremity of Lake Superior combined in a conspiracy, which, had it been entirely successful, would have resulted in the reduction of every English post on the frontier. Pontiac, chief of the Ottawas, and the most distinguished warrior whose name appears in Indian annals, was at the head of this conspiracy. He began the arrangement of his plans in 1762. The following year every English outpost was simultaneously attacked, and only Forts Niagara, Pitt and Detroit sustained the shock; Mackinaw, St. Joseph, Miami, Sandusky, Presqu' Isle, Venango and La Boeuf falling into the hands of the savages. At the same time the Delawares, Senecas

and Shawanees carried destruction and death along the English border.

The first of these blows struck within the present limits of West Virginia was that which resulted in the total destruction of the settlements in the Greenbrier valley and within what is now Greenbrier county. The following detail is taken from Stuart's "Memoirs of the Indian Wars and other Occurrences:"

"The Indians commenced hostilities in 1763, when all the settlements in the Greenbrier valley were totally cut off by a party of Indians headed by the Cornstalk warrior. The chief settlements were on Muddy creek. These Indians, in number about sixty, introduced themselves into the people's houses under the mask of friendship and every civility was offered them by the people, providing them victuals and accommodations for their entertainment, when, on a sudden, they killed the men and made prisoners of the women and children. Then they passed over into the Levels, where some families were collected at the house of Archibald Clendenin. There were fifty and one hundred persons, men, women and children. There the Indians were entertained, as at Muddy creek, in the most hospitable manner. Clendenin having just arrived from a hunt with three fat elks, they were plentifully feasted. In the meantime an old woman with a sore leg was showing her distress to an Indian, and inquiring if he could administer to her relief; he said he thought he could; and drawing his tomahawk, instantly killed her and all the men almost that were in the house. Conrad Yolkam only escaped by being some distance from the house, when the outcries of the women and children alarmed him. He fled to Jack-

son's river and alarmed the people, who were unwilling to believe him until the approach of the Indians convinced them. All fled before them; and they pursued to Carr's creek, in Rockbridge county, where many families were killed or taken by them. At Clendenin's a scene of much cruelty was performed; a negro woman, who was endeavoring to escape, killed her own child, who was pursuing her crying, lest she might be discovered by its cries. Mrs. Clendenin did not fail to abuse the Indians with terms of reproach, calling them cowards, although the tomahawk was drawn over her head with threats of instant death, and the scalp of her husband lashed about her jaws. The prisoners were all taken over to Muddy creek, and a party of Indians retained them there till the return of the others from Carr's creek, when the whole were taken off together. On the day they started from the foot of Keeney's Knob, going over the mountain, Mrs. Clendenin gave her infant child to a prisoner woman to carry, as the prisoners were in the centre of the line with the Indians in front and rear, and she escaped into a thicket and concealed herself until they all passed by. The cries of the child soon caused the Indians to inquire for the mother who was missing; and one of them said he would soon 'bring the cow to her calf.' Taking the child by the heels, he beat its brains out against a tree, and throwing the body down in the path, all marched over it until its entrails were trampled out by the horses. She told me she returned that night in the dark to her own house, a distance of more than ten miles, and covered her husband's corpse with rails which lay in the yard where he was killed in endeavoring to escape over the fence with one of his children in

his arms. Then she went to a corn-field, where great fear came upon her, and she imagined she saw a man standing by her within a few steps. The Indians continued the war until 1764, and with much depredation on the frontier inhabitants, making incursions as far as within a few miles of Staunton."

Thus raged the storm until a thousand families on the frontiers of Virginia and Pennsylvania were either murdered or driven from their homes. To stay this tide of blood, Sir Jeffrey Amherst, the English commander-in-chief, sent Colonel Henry Boquet with a military force to the frontier. Colonel Boquet was a native of Switzerland, born in the canton of Berne. He was a soldier by birth. His early years were spent in the Scandinavian army, and later he served under the flag of the Dutch Republic. In 1755, he entered the English service with the rank of lieutenant-colonel, in a regiment organized by the Duke of Cumberland, known as the Royal American, and destined for American service. He served throughout the war against the French, and at the time he was ordered to the West by Amherst, was stationed at Philadelphia. He marched from that place with a force of five hundred men, and after defeating the Indians in a fiercely contested battle at Bushy Run, Pennsylvania, reached Fort Pitt in August, 1764. With his force augmented to fifteen hundred men, he left that place on the third of October, and marching into the Ohio wilderness, proceeded to the forks of the Muskingum, where a treaty was made with the Indians, who there delivered up two hundred and six captives, ninety of whom had been carried away from the frontiers of Virginia and the remainder from Pennsylvania. Boquet's army re-

turned to Fort Pitt and peace was once more restored along the border.

Early in 1765, the first English expedition descended the Ohio. It was commanded by Colonel George Crogan, of Pennsylvania, and was sent out for the purpose of exploring the country adjacent to the Ohio river and conciliating the Indian nations which had hitherto taken part with the French. Colonel Crogan was a native of Ireland and was educated in Dublin. Emigrating to America, he settled near Harrisburg, Pennsylvania. He served as a captain in Braddock's expedition in 1755, and was employed in the defence of the western frontier in 1756, in which year he was made deputy agent for the Ohio Indians by Sir William Johnson. On a voyage to Europe, in 1763, he was shipwrecked on the coast of France. In 1766, he settled about four miles above Fort Pitt, where he died in 1782.

On the 15th day of May, 1765, the expedition left Fort Pitt and with two batteaux descended the Ohio. On the 17th they passed the present site of Wheeling; on the morning of the 19th they were at the mouth of the Muskingum river, and the same evening encamped at the mouth of the Little Kanawha river. At six o'clock on the morning of the 20th, the journey was continued to the mouth of the Hockhocking river, where high winds compelled them to encamp. On the 21st they were at Letart Falls, where they found buffalo, bear, deer and other kinds of wild game in such abundance that they killed from their boats as much as was needed. On the 22d they passed the Pomeroy Bend and halted at a place called "Alum Hill," probably West Columbia, now in Mason county, West

Virginia. Continuing the journey, they proceeded to Little Guyandotte river—now the dividing line between Mason and Cabell counties, West Virginia—where they encamped. Decamping on the morning of the 24th, the batteaux glided onward to the mouth of the Big Guyandotte, and thence to the mouth of the Big Sandy, now the most western point of West Virginia. From here the voyage was continued down the Ohio, and Crogan, having accomplished the object of his mission, returned by way of the lakes to Niagara. His journal has been published as an appendix to Butler's "History of Kentucky," and also in Hildreth's "Pioneer History."

In the year 1770, George Washington made a journey to the Ohio for the purpose of locating lands awarded by Governor Dinwiddie's proclamation of 1754, to the officers and soldiers who served in the French and Indian war. Accompanied by Dr. James Craik, he left Mount Vernon October 5, 1770. They proceeded by way of Leesburg and on the 9th arrived at Romney, the present seat of justice of Hampshire county. Having purchased some horses here, the journey was continued, and on the 17th they arrived at Fort Pitt, now Pittsburg, of which place Washington says in his journal: "The houses, which are built of logs and arranged in streets, are on the Monongahela river and, I suppose, may be about twenty in number, and inhabited by Indian traders."

On the 20th, accompanied by Captain William Crawford, Joseph Nicholson, Robert Bell, William Harrison, Charles Morgan, Daniel Rendon, and a boy of Captain Crawford's, in a large canoe they descended the Ohio. On the 22d, they encamped near the mouth of Cross

creek, now in Brooke county, West Virginia. The voyage continued, and on the 27th they reached the mouth of the Little Kanawha, passing which they encamped on the Virginia shore, near the present site of Harris' Ferry, now in Wood county. Proceeding the next morning, near the present site of Belleville, they found Kiyashuta, a chief of the Six Nations, and a hunting party who were encamped here. With these Indians our explorers spent the night. The next day they reached the mouth of Sand creek, now Ravenswood, in Jackson county. Washington describes the land here and adds: "At the mouth of this creek is the warrior's path to the Cherokee country." On the 30th they were below Letart Falls at the mouth of West creek, now in Mason county, at which place Washington says: "I saw a couple of birds in size between a swan and a goose, and in color somewhat between the two, being darker than the younger swan and of a more sooty color. The cry of these birds was as singular as the birds themselves. I never heard any noise resembling it before." The next day they reached the present site of Point Pleasant, and November 1st proceeded up the Kanawha river for the purpose of examining the lands along that stream. (For further details of the operations about the mouth of the Kanawha river, see "Mason County," elsewhere in this work.) When the work was completed the party ascended the Ohio to Fort Pitt and thence returned home. Washington reached Mount Vernon on the 1st day of December, having been absent nine weeks and one day.

Dr. Craik, who accompanied him, was long prominent in Virginia; he was born at Orbigland, Scotland,

in 1730, and graduated at Edinburgh. Emigrating first to the West Indies and then to Virginia, he practised his profession at Norfolk, Winchester and Alexandria. He filled many positions of trust during the Revolution, serving in 1781, as director of the hospital at Yorktown. After this war he settled near Mount Vernon, where he was long intimate with Washington and one of his attendant physicians during his last illness. He died at "Vanclose," Fairfax county, Virginia, February 6, 1814. George W., a son of Dr. Craik, was the private secretary of Washington during his second presidential term, and the father of the late James Craik, D. D., LL.D., of Louisville, Kentucky, who died June 9, 1881.

CHAPTER IX.

THE VIRGINIA ARMY IN THE OHIO VALLEY.

Dunmore's War—English Folly—Murder of Logan's Family—Building of Fort Henry—Expedition of Colonel Angus McDonald—Destruction of the Wakatomika Towns—The Virginia Army—General Andrew Lewis' March to the West—Dunmore reaches the Ohio—He builds Fort Gower—Battle of Point Pleasant—Erection of Fort Randolph—The Divisions Reunited—Return of the Army.

THE treaty which had continued inviolate since 1764, was now to be broken on the part of the English. In the early part of 1774, several Indians were murdered on the South Branch of the Potomac, by one Nicholas Harpold and his associates. About the same time Bald Eagle, an Indian chief of considerable notoriety, not only among his own tribe but all along the whole Western frontier, was in the habit of hunting with the English, and on one of his visits to the settlers on the Monongahela was murdered by Jacob Scott, William Hacker, and Elijah Runner, who, reckless of consequences, committed the act simply to gratify their thirst for Indian blood.

At this time on the Little Kanawha river, and within the present limits of Braxton county, there resided a few Indians, chief of whom was Captain Bull, from whom the place is still called Bulltown. By many of the settlers on the West Fork of the Monongahela river Captain Bull was regarded as being friendly to the whites, others suspected him of giving information to and probably harboring unfriendly Indians. There was likewise a German family by the name of Stroud

residing on Gauley river, near its junction with the Great Kanawha.

In the summer of this year, when Mr. Stroud was absent from home, his family were all murdered, his house plundered and his cattle driven off. The trail left by the perpetrators of this outrage led in the direction of Bulltown: this gave rise to the supposition that its inhabitants were the authors of these murders, and several parties resolved to avenge the crime upon them. Five men expressed a determination to proceed in search of the murderers of the Stroud family. They were absent several days, and, upon their return, denied having seen an Indian during their absence. Further development, however, proved that they had murdered every inhabitant—man, woman and child—at Bulltown, and had thrown their bodies in the river that the act might be concealed.

Here was sufficient cause for retaliation, and it came only too soon. On the 16th of April, 1774, a large canoe owned by William Butler, a merchant of Pittsburgh, with several white men in it, was attacked by Indians while it was floating down the Ohio near Wheeling, and one of the men was killed. The truce which had lasted ten years was broken. "The halcyon decade of the latter half of the eighteenth century" had terminated, and forthwith there broke out a savage warfare along the western frontier.

The people in the vicinity of Wheeling, being principally Virginians and Marylanders, were easily influenced by Dunmore's agent, the artful and designing Dr. John Connally, who was then stationed at Pittsburgh. To him more than any one else attaches the responsibility of the bloody scenes which ensued. Lis-

tening to his intriguing appeals, the settlers congregated near the mouth of Wheeling creek, and issued a declaration of war. The next day several canoes filled with Indians descending the river were descried while attempting to pass unseen under cover of Wheeling island. Pursuit was at once made and they were overtaken near the mouth of Captina creek, where a battle was fought; several were wounded on both sides. The Indians fled, leaving the canoes, which were found to contain warlike stores. This occurrence took place on the 27th of April. Several writers state that the Virginians were commanded by Captain Cresap, but his biographer—Rev. John J. Jacob—declares that he was not present.

April 30th a body of twenty or thirty men ascended the Ohio to the mouth of Yellow creek, above the present site of Steubenville, where, under circumstances of great perfidy, they murdered ten Indians, among whom were the family of Logan, a distinguished Mingo chieftain. The following account is subjoined from an affidavit made by John Sappington, of Madison county, Virginia, February 13, 1800.

“Logan’s family—if it was his family—was not killed by Cresap, nor with his knowledge, nor by his consent, but by the Greathouses and their associates. They were killed thirty miles above Wheeling, near the mouth of Yellow creek. Logan’s camp was on one side of the river Ohio, and the house where the murder was committed opposite to it on the other side. They had encamped there for four or five days, and during that time had lived peaceably and neighborly with the whites on the opposite side, until the very day the affair happened. A little before the period alluded to,

letters had been received by the inhabitants from a man of great influence in that country, and who was then I believe at Capteener, informing them that war was at hand, and desiring them to be on their guard. In consequence of these letters and other rumors of the same import, almost all the inhabitants fled for safety into the settlements. It was at the house of one Baker that the murder was committed. Baker was a man who sold rum, and the Indians had made frequent visits at his house, induced, probably, by their fondness for that liquor. He had been particularly desired by Cresap to remove and take away his rum, and he was actually preparing to move at the time of the murder. The evening before, a squaw came over to Baker's house, and by her crying, seemed to be in great distress. The cause of her uneasiness being asked, she refused to tell; but getting Baker's wife alone, she told her that the Indians were going to kill her and all her family the next day; that she loved her; did not wish her to be killed, and therefore told her what was intended that she might save herself. In consequence of this information, Baker got a number of men to the amount of twenty-one to come to his house, and they were all there before morning. A council was held, and it was determined that the men should lie concealed in the back apartment; that if the Indians did come and behaved themselves peaceably, they should not be molested; but if not, the men were to show themselves and act accordingly. Early in the morning seven Indians—four men and three squaws—came over. Logan's brother was one of them. They immediately got rum, and all except Logan's brother became very much intoxicated. At this time all the men were con-

cealed except the man of the house, Baker, and two others who stayed out with him. Those Indians came unarmed. After some time Logan's brother took down a coat and hat belonging to Baker's brother-in-law, who lived with him, and put them on, and setting his arms akimbo began to strut about, till at length, coming up to one of the men, he attempted to strike him, saying, 'White man,' The white man whom he treated thus kept out of his way for some time, but growing irritated he jumped to his gun and shot the Indian as he was making for the door with the coat and hat on him. The men who lay concealed then rushed out and killed the whole of them, excepting one child, which I believe is yet alive. But before this happened, one canoe with two, the other with five Indians, all naked, painted, and armed completely for war, were discovered to start from the shore on which Logan's camp was. Had it not been for this circumstance, the white men would not have acted as they did; but this confirmed what the squaw had told before. The white men having killed as aforesaid the Indians in the house, ranged themselves along the bank of the river to receive the canoes. The canoe with two Indians came near, being the foremost. Our men fired upon them and killed them both. The other canoe then went back. After this two other canoes started, the one containing eleven, the other seven Indians, painted and armed as the first. They attempted to land below our men, but were fired upon, had one killed, and retreated, at the same time firing back."

The war was inevitable, and the storm burst with all its fury on the Virginia frontier. Bands of savages scoured the country east of the Ohio, laying waste the

settlements. Men, women and children fell victims to savage fury. Infants' brains were dashed out against trees, and bodies left to decay in the summer sun or become the food of wild animals or birds of prey. It was a reign of terror along the whole western border.

Tidings of the terrible storm were carried to Williamsburg, then Virginia's capital, and Governor Dunmore promptly commissioned Colonel Angus McDonald and ordered him to collect the settlers on the Monongahela and Youghiogheny rivers and in the vicinity of Wheeling, and organize a force sufficient to stay the tide of blood until a larger army could be collected in the Shenandoah valley and east of the Blue Ridge. Colonel McDonald obeyed the summons, and having collected a force of more than one hundred men, proceeded to Wheeling, where he began the erection of Fort Fincastle—afterward Fort Henry. Michael Cresap was one of Maryland's most distinguished frontiersmen, and Lord Dunmore knowing him to be a man of courage, personally presented him a captain's commission, with the request that he at once enlist a force to co-operate with that rapidly collecting under McDonald west of the Alleghenies. Such was Cresap's popularity that in a very short time he had collected more than the required complement of men, and at once marched west and joined McDonald, the ranking officer of the expedition. Work continued on the fort until the middle of June, when the combined forces began the invasion of the Indian country.

Four hundred men, rank and file, descended the Ohio, to the present site of Powhatan at the mouth of Captina creek, now in Belmont county, Ohio, whence the march into the wilderness began. A few days later

the army encamped at the mouth of Wakatomika creek, near where the town of Dresden, in the present county of Muskingum, now stands. Six miles from the encampment, a force of fifty Indians was discovered and an engagement took place in which the Virginians lost two killed and nine wounded, while the Indians, who retreated, lost three killed and several wounded. McDonald found the chief Wakatomika town deserted; this he burned, and destroyed the neighboring corn-fields. A march to the next village, a mile distant, resulted in a skirmish with the savages and the burning of their wigwams. The work of destruction continued until all the towns and corn-fields in the vicinity were laid waste. The expedition returned to Wheeling, taking with it three captive chiefs who were sent as hostages to Williamsburg. Owing to the perfidy of the Indians, but little was accomplished in the way of effecting a peace, but the object of the expedition had been attained, for its design was the temporary protection of the frontier, and was a preliminary movement to the Dunmore expedition to the Pickaway Plains later in the year.

Colonel Angus McDonald, who commanded the expedition, was born of Scotch parentage. He resided near Winchester, in Frederick county, Virginia, upon an estate early acquired by his ancestors, and which has been known locally for more than a century as "Glengary," so called from the ancestral clan to which the McDonalds belonged in the Highlands of Scotland. Some of his descendants yet reside in the valley of Virginia.

To meet this general uprising of the confederated tribes northwest of the Ohio, Virginia made ready for

war, and the din of preparation resounded along her borders. Lord Dunmore left the gubernatorial residence at Williamsburg and, passing over the Blue Ridge, assisted in mustering an army. A force of 2,300 tried veterans was collected in two divisions called the northern and southern wing, the two to be reunited at the mouth of the Great Kanawha. The southern wing commanded by General Andrew Lewis, and numbering 800 men, consisted of two regiments commanded by Colonel William Fleming, of Botetourt county, and Colonel Charles Lewis, of Augusta. This force rendezvoused at Camp Union—afterward Fort Savannah and now Lewisburg, the county-seat of Greenbrier—where it was joined by a volunteer company under Colonel John Field, of Culpeper county; a company from Bedford county, commanded by Captain Buford, and a detachment from the Holstein settlement, now Washington county, at the head of which was Captain Evan Shelby. The force was thus augmented to eleven hundred men. A messenger arrived with orders from Governor Dunmore commanding General Lewis to meet him on the 2d of October at the mouth of the Great Kanawha. On the 11th of September the tents were struck and the army commenced its line of march through a trackless and unbroken wilderness. Captain Matthew Arbuckle, who had traversed the Kanawha valley in 1764, acted as guide and conducted the army to the Ohio river, which was reached on the 1st of October, after a dreary march of nineteen days. Bancroft thus describes their line of march from Camp Union to the mouth of Elk river:

“At that time there was not even a track over the rugged mountains, but the gallant young woodsmen

who formed the advance party moved expeditiously with their pack-horses and droves of cattle through the home of the wolf, the deer and the panther. After a fortnight's struggle they left behind them the last rocky masses of the hilltops, and passing between the gigantic growth of primeval forests, where, in the autumnal season the golden hue of the linden, the sugar-tree and the hickory contrasted with the glistening green of the laurel, the crimson of the sumac, and the shadows of the sombre hemlock, they descended where the Elk widens into a plain." Having crossed Elk river, the march continued down the right hand bank of the Kanawha to the Ohio.

The site upon which the Virginia army encamped was one of awe-inspiring grandeur. Here were seen hills, valleys, plains and promontories, all covered with gigantic forests, the growth of centuries, standing in their native majesty unsubdued by the hand of man, wearing the livery of the season and raising aloft in mid-air their venerable trunks and branches, as if to defy the lightning of the sky and the fury of the whirlwind. The broad reach of the Ohio closely resembled a lake with the mouth of the Kanawha as an arm or estuary, and both were, at that season of the year, so placid as scarcely to present motion to the eye. Over all, nature ruled supreme. There were no marks of industry, nor of the exercise of those arts which minister to the comforts and convenience of man. Here nature had for ages held undisputed sway over an empire inhabited only by the enemies of civilization.

The northern wing, commanded by Governor Dunmore in person and numbering 1,200 men, was principally collected in the counties of Dunmore—now

- Shenandoah—Frederick, Berkeley, and Hampshire. Three of the companies had served with McDonald, and upon their return home in July, at once re-enlisted in Dunmore's army. The westward march began, the long column proceeding in solid phalanx by way of "Potomac Gap." Later it was divided, and 500 men commanded by Colonel William Crawford proceeded overland with the cattle, while the Governor with 700 men descended the Monongahela by way of Fort Pitt. Both columns reached Wheeling—then Fort Fincastle—on the 30th day of September, and the combined force at once descended the Ohio to the mouth of the Big Hockhocking river, where it halted and erected a temporary fortification—"Fort Gower"—which was the first structure reared by Englishmen within the present limits of Ohio.

BATTLE OF POINT PLEASANT.

When General Lewis reached the mouth of the Great Kanawha, he was greatly disappointed in not meeting Governor Dunmore, and still more so at not hearing from him. In the absence of orders it was decided to go into camp, and accordingly the tents were pitched upon the triangular point of land between the right bank of the Kanawha and the left bank of the Ohio, accessible only from the rear. This place was called by the Indians *Tu-Endie-wei*, signifying in the Shawnee language "The Junction of Two Rivers." The ground thus occupied by the Virginia army is the same upon which the town of Point Pleasant has since been built. Little did that band of sturdy Virginians think that ere they left the place, they were to fight the most fiercely contested battle ever fought with the

Indians in Virginia, if not on the continent. It was not until Sunday, October 9th, that a messenger reached General Lewis, informing him that the plan of the campaign had been changed, and ordering him to march directly to the Indian towns on the Scioto, at which place the northern division would join him.

Accordingly, arrangements were made preparatory to leaving on the following morning, Monday, 10th; but early on that morning two soldiers, named Robertson and Hickman, went up the Ohio in quest of deer, and having proceeded about three miles they discovered, near the mouth of Oldtown creek, a large body of Indians just arising from their encampment. The soldiers were fired upon and Hickman was killed, but Robertson escaped and ran into camp, hallooing as he ran that he had seen "a body of Indians covering four acres of ground." This force consisted of the flower of the confederated tribes, who had abandoned their towns on the Pickaway Plains to meet the Virginia troops and give them battle before the two wings of the army could be united. Within an hour after the presence of the Indians had been discovered, a general engagement began, extending from the bank of the Ohio to that of the Kanawha, and distant half a mile from the point.

General Lewis, who had witnessed a similar scene at Braddock's defeat, acted with firmness and decision in this great emergency. He arranged his forces promptly and advanced to meet the enemy. Colonel Charles Lewis—brother of the General—with 300 men, formed the right line, met the Indians at sunrise and sustained the first attack. He fell, mortally wounded, in the first fire, and was carried to the rear, where he

shortly after expired. His troops receiving almost the entire weight of the charge, the lines were broken and gave way. Colonel Fleming, commanding the left wing, advanced along the bank of the Ohio, and in a few minutes fell in with the right wing of the Indian line, which rested upon the river. The effect of the first shock was to stagger the left wing as it had the right, and its commander was severely wounded at an early hour of the conflict. But his men succeeded in reaching a piece of timber land, and maintained their position until the reserve under Colonel Field reached the ground. It will be seen by examining Lewis' plan of the engagement, and also the ground on which the battle was fought, that an advance on his part and a retreat on the part of his opponents necessarily weakened their lines by constantly increasing their length, and if it extended from river to river, he would be forced eventually to break his line or leave his flanks unprotected. Writers upon the subject of Indian tactics inform us that it was the great object of his generalship to preserve his flanks and overthrow those of his enemy. They continued therefore, contrary to their usual practice, to dispute with the pertinacity of veterans the ground along the whole line, retreating slowly from tree to tree until one o'clock P. M., when they reached a strong position. Here both armies rested within rifle range of each other until late in the evening, when General Lewis, seeing the impracticability of dislodging the Indians by the most vigorous attack, and sensible of the great danger which must arise to his army if the contest were not decided before night, detached the three companies commanded by Captains Isaac Shelby, George Matthews and John

BATTLE OF POINT PLEASANT.



Stewart, with orders to proceed up the Kanawha river, and under cover of the banks of Crooked creek—a stream emptying into the Kanawha about half a mile from the point—attack the Indians in the rear. The manœuvre thus planned and executed had the desired effect, and gave to the colonial army a complete victory. The Indians finding themselves suddenly encompassed between two armies, attacked in front and rear, and doubtless believing that in the rear was the long expected reinforcement under Colonel Christian, soon gave way and about sundown commenced a precipitate retreat across the Ohio, toward their towns on the Scioto.

The desperate nature of this conflict may be inferred by the deep-seated animosity of the parties toward each other, the high courage which both possessed, and the consequences which hung upon the issue. The victory was indeed most decisive, and many were the advantages obtained by it; but they were dearly bought. One-half of the commissioned officers had fallen, seventy-five men lay dead upon the field, and one hundred and forty wounded. Among the slain were Colonels Lewis and Field, Captains Buford, Morrow, Wood, Cundiff, Wilson and McLanachan, and Lieutenants Allen, Goldsby and Dillon. The loss of the Indians could never be ascertained, nor could the number engaged be known. Their army was composed of warriors from the different nations north of the Ohio and comprised the flower of the Shawnee, Delaware, Mingo, Wyandotte and Cayuga tribes, led on by their respective chiefs, at the head of whom was Cornstalk, Sachem of the Shawnees and King of the Northern Confederacy. Never, perhaps, did men ex-

hibit a more conclusive evidence of bravery in making a charge, and fortitude in withstanding one, than did these undisciplined soldiers of the forest on the field at Point Pleasant. Says Colonel John Stewart in his *Memoirs*:

"None will suppose we had a contemptible enemy with whom to do, who has any knowledge of the exploits performed by them. It was chiefly the Shawanees, who cut off the British army under General Braddock in the year 1756, and nineteen years before our battle, when the General himself and Sir Peter Hachett, second in command, were both slain, and a mere remnant of the whole army only escaped; and they were they who defeated Major Grant and his Scotch Highlanders at Fort Pitt in 1758, when the whole of the troops were killed or taken prisoners. And after our battle they defeated the flower of the first bold and intrepid settlers of Kentucky at the battle of Blue Licks. There fell Colonel John Todd and Colonel Stephen Trigg. The whole of their men were almost all cut to pieces. Afterwards they defeated the United States army over the Ohio, commanded by General Harmer, and lastly they defeated General Arthur St. Clair's great army with prodigious slaughter."

Such, too, was the heroic bravery displayed by those composing the Virginia army on that occasion that high hopes were entertained of their future distinction. Nor were these hopes disappointed, for in the various scenes through which they subsequently passed, the pledge of after eminence then given was fully redeemed, and the names of Shelby, Campbell, Lewis, Mathews, Moore and others, their compatriots in arms on the

bloody field at the mouth of the Great Kanawha, have been inscribed in brilliant characters on the roll of fame.

General Andrew Lewis, the commander, and the son of John Lewis, the first settler of Augusta county, was born in Ulster, Ireland, in 1720. Early in life he entered the colonial service and rose rapidly in the scale of promotion. He was a major in Washington's regiment at the surrender of Fort Necessity, and a member of his brother Samuel's company in the campaign of General Braddock and was wounded at the battle of Monongahela. In 1756 he commanded the "Big Sandy expedition," which was the most important military operation of that year, and was with General Forbes at the reduction of Fort Du Quesne in 1758. In 1765 he was one of the commissioners on the part of Virginia to treat with the Six Nations at Fort Stanwix, and arose to the rank of Brigadier-General in 1774. He represented Botetourt county in the Virginia conventions of March and June, 1775, and entered the Revolutionary army in 1776, when he was placed in command of Lower Virginia. He drove Dunmore from Gwynn's island in Chesapeake bay, announcing his order of attack by placing the match to the first gun, an eighteen-pounder, himself. In 1781, stricken with fever, he started home, but in Campbell county, within forty miles of his destination, he died and was buried on an eminence overlooking the Roanoke, near Salem, Virginia.

The following gentlemen, with others of high reputation in private life, were officers in the battle of Point Pleasant: General Isaac Shelby, the first Governor of Kentucky, and whom Monroe desired as his

Secretary of War; General William Campbell and Colonel John Campbell, heroes of King's Mountain and Long Island; General William Shelby, one of the most favored citizens of Tennessee, often honored with the confidence of that State; General Andrew Moore, of Rockbridge county, the only man, who, prior to the civil war, was elected by Virginia to the United States Senate from west of the Blue Ridge; Colonel John Stuart, of Greenbrier, distinguished for his literary and scholarly attainments; General Tate, of Washington county, Virginia; Colonel William McKee, of Lincoln county, Kentucky; Colonel John Steele, afterwards Governor of the Mississippi Territory; Colonel Charles Cameron, of Bath county, Virginia; General Bazaleel Wells, of Ohio; General George Mathews, a distinguished officer in the War of the Revolution, the hero of Brandywine, Germantown and Guilford, a governor of Georgia, and a representative from that State in the Congress of the United States; Captain William Clendenin, the first representative from Mason county in the Legislature of Virginia; Colonel William Fleming, acting governor of Virginia, in 1781. Robertson, who gave the first alarm at Point Pleasant, afterward rose to the rank of Brigadier-General in Tennessee.

Colonel Charles Lewis, and those who fell with him, shed their blood in defence of pioneer homes and in an effort to plant civilization in the Ohio valley and thereby reclaim it from the sway of savage men. It is worthy of remark that General Lewis fought the battle on lands which he had patented two years before, and which had been surveyed for him by George Washington.

The day after the battle, Colonel Christian, at the head of three hundred Fincastle troops, arrived at Point Pleasant and at once proceeded to bury the dead. On the battle evening, as the October sun sank below the hills of the western wilderness, one hundred and forty wounded Virginians were carried by more fortunate companions within the encampment, and around them were hastily reared the walls of Fort Randolph. In it a garrison of one hundred men was left, and the Virginia army, made eager by success and maddened by the loss of so many brave men, crossed the Ohio and dashed away in pursuit of the beaten and disheartened enemy. Our next information of the Virginians is that a march of eighty miles through an untrodden wilderness has been completed, and on the 24th of October we find them encamped on Congo creek, in what is now Pickaway township, Pickaway county, Ohio, within striking distance of the Indian towns, but here again compelled to await the movements of the tory governor at the head of the left wing, who was then encamped farther north, at a point called Camp Charlotte, and from which place he sent a messenger to General Lewis forbidding his farther advance into the hostile country, as he, Dunmore, was now negotiating for peace with the Indians. The peace was concluded, a junction of the two divisions effected, and the army returned to Virginia, Dunmore's command by way of Fort Fincastle and Potomac Gap, that of General Lewis retracing its line of march by way of the Great Kanawha valley. Thus ended Dunmore's War.

John Murray, fourth Earl of Dunmore, the commander of the northern wing of the army, and the last

Royal Governor of Virginia, was born in 1732. He was descended on the maternal side from the royal house of Stuart and succeeded to the peerage in 1756. He was appointed Governor of New York in 1770, and of Virginia in July, 1771, and arrived in the colony in 1772. On his return from his western campaign he found Virginia in a state of the wildest commotion. Patrick Henry, by his matchless eloquence, had aroused throughout the colony a spirit of patriotism which was manifesting itself in opposition to the mother country. Dunmore adhered to the royal cause, and on the 20th of June, 1775, caused the powder to be removed from the magazine at Williamsburg to a British ship. Incensed at this, a body of armed men collected under Patrick Henry, and the governor was forced to compromise the affair by paying for the powder. On the 6th of June he fled with his family and found refuge on board the British man-of-war "Fowey." He collected a band of tories, runaway negroes and British soldiers, which was defeated by the Virginians at Great Bridge, near Norfolk, December 9, 1775. January 6, 1776, he burned Norfolk, then the most flourishing town in Virginia. Soon after he established himself on Gwynn's island, in Chesapeake bay, where he was attacked by a force under General Andrew Lewis, then commanding in lower Virginia, and completely routed. He sailed away from Virginia never to return. He was appointed Governor of Bermuda in 1786, and died at Randolph, England, in 1809.

Many others, whose names are prominent in frontier history, served in the northern wing of the army. The second in command was Colonel—afterward General

—John Gibson, a man of talent and executive ability. He enjoyed the confidence of Washington, who, in 1781, appointed him to the command of the Western Military Department. He was Secretary of Indiana Territory from 1800 to 1813, a portion of which time he was acting governor of the same. He filled several other positions of trust and honor, and died near Pittsburg in 1822. The next in rank was Colonel William Crawford, whose sad fate is hereafter to be recorded. Others were Simon Kenton, prominent in the early annals of Kentucky, and the first white man to rear a cabin in the Great Kanawha Valley; Samuel McCulloch, conspicuous in the early history of the Valley of the Upper Ohio; Benjamin Logan, afterward General Logan, of Kentucky, and the builder and defender of Logan's Fort in that State, and General George Rogers Clarke, whose achievements during his Illinois campaign won for him the title of the "Hannibal of the West."

To the student of history no truth is more patent than this, that the battle of Point Pleasant was the first in the series of the Revolution, the flames of which were then being kindled by the oppression of the mother country, and the resistance of the same by the feeble but determined colonies. It is a well-known fact that emissaries of Great Britain were then inciting the Indians to hostilities against the frontier for the purpose of distracting attention and thus preventing the consummation of the union which was then being formed to resist the tyranny of their armed oppressors. It is also well known that Lord Dunmore was an enemy to the colonists, by his rigid adherence to the royal cause and his efforts to induce the Indians to co-

operate with the English, and thus assist in reducing Virginia to subjection. It has been asserted that he intentionally delayed the progress of the left wing of the army that the right might be destroyed at Point Pleasant. Then, at the mouth of the Great Kanawha river, on the 10th day of October, 1774, there went whizzing through the forest the first volley of a struggle for liberty which, in the grandeur and importance of its results, stands without a parallel in the history of the world. On that day the soil on which Point Pleasant now stands drank the first blood shed in defence of American liberty, and it was there decided that the decaying institutions of the Middle Ages should not prevail in America, but that just laws and priceless liberty should be planted forever in the domains of the New World.

Historians, becoming engrossed with the more stirring scenes of the Revolution, have failed to consider this sanguinary battle in its true import and bearing upon the destiny of our country, forgetting that the colonial army returned home only to enlist in the patriot army, and on almost every battle-field of the Revolution represented that little band who stood face to face with the savage allies of Great Britain at Point Pleasant. But all did not return. Many thus early paid the forfeit of their lives, but they were not forgotten. Though no marble marks their place of rest, and no historian has inscribed their names on the roll of the honored dead, yet their memory lives in the rehearsal around the cabin fires of the mountains of West Augusta, and in the rustic mountain ballads which were chanted many years after the storm of revolution had spent its force and died away.

Belonging to General Lewis' army was a young man named Ellis Hughes. He was a native of Virginia, and had been bred in the hot-bed of Indian warfare. The Indians having murdered a young lady to whom he was very much attached, and subsequently his father, he vowed revenge, and the return of peace did not mitigate his hatred of the race. Shortly after Wayne's treaty with the Indians in 1795, he forsook his native mountains, and in company with one John Ratcliff removed north of the Ohio, where they became the first settlers in what is now Licking county, in that State. Hughes died near Utica, that county, in March, 1845, at an advanced age, in hope of a happy future, claiming, and accredited by all who knew him, to be the last survivor of the battle of Point Pleasant. He was buried with military honors and other demonstrations of respect.

CHAPTER X.

WEST VIRGINIA DURING THE REVOLUTIONARY WAR.

West Virginia at the Beginning of the War—The Quebec Act—Colonial Convention of 1775—West Virginians in the Continental Army—Tory Insurrection Within the Limits of the State.

At the beginning of the Revolution but two of the present counties of West Virginia had an existence. These were Berkeley and Hampshire. In 1775, the former extended from the Blue Ridge to the Ohio, while the latter stretched away from the North Mountain to the same western limit. South of Hampshire lay Augusta county, reaching from the Blue Ridge to the Ohio, and including all the territory between the Little and Great Kanawha rivers, while all that part of the State lying south of the latter was included within the bounds of Fincastle county. The settlements southward at that time were confined chiefly to the Greenbrier valley, with a few outposts along the river and the Upper Kanawha. In that part of Berkeley and Hampshire lying east of the Alleghenies there was a numerous population, more than fifty years having elapsed since the first pioneer came to that region. On the banks of the upper Ohio, and in the valleys of the Monongahela, Tygart's and Cheat rivers, many daring adventurers had reared their cabin homes, and all that region extending westward from the mountains to the Ohio was known as the District of West Augusta, the boundaries of which, as defined in 1776, in-

cluded all the territory north of Middle Island creek, and lying west and south of the Monongahela to the Ohio.

The dwellers here were of that hardy race cradled in the hot-beds of savage warfare and inured to the perils of the wilderness, and when the Revolution came, nowhere could there be found more patriotic and determined spirits than the frontiersmen of West Augusta. They were ready at the first drum-tap of that struggle, and no sooner did they learn of the stirring scenes in Massachusetts, than hundreds of them hastened together in mass convention at Pittsburg—then believed to be within the confines of Virginia—and after resolving to pledge their lives to the cause of American liberty, chose John Harvie and John Nevill to represent them in the Virginia convention. That body convened March 20, 1775, and on the following day “a letter from the inhabitants of that part of Virginia which lies westward of the Allegheny mountains, desiring that John Harvie and John Nevill, Esqs., may be admitted to this convention, being read, upon motion they were admitted to seats.”

On the 16th of May ensuing these Virginia frontiersmen a second time assembled at Pittsburg, and the following gentlemen were chosen an executive committee for the West Augusta District: George Crogan, John Campbell, Edward Ward, Thomas Smallman, John Cannon, John McCulloch, William Gee, George Vallingham, John Gibson, Dorsey Penticost, Edward Cook, William Crawford, Devereux Smith, John Anderson, David Rogers, Jacob Van Matre, Hy. Enoch, James Ennis, George Wilson, W. Vance, David Shepherd, William Elliott, Richmond Willis, Samuel Sample, John Ormsbey, Richard McMahon, John Nevill and

John Swearingen. The duty of the committee was "to secure arms and ammunition not employed in actual service, or private property, and to have them repaired and put into the hands of such captains of independent companies as may make application for them." They at once raised £15, and transmitted it to Robert Carter Nicholas, to be used in defraying the expenses of the Virginia deputies while attending the Continental Congress.

A series of resolutions was then adopted, one of which was as follows: "Resolved unanimously, That this body have the highest sense of the spirited behavior of their brethren in New England, and do most cordially approve of their opposing the invaders of American rights and privileges to the utmost extreme, and that each member of this committee respectively will animate and encourage their neighborhood to follow the brave example."

The convention before adjournment proceeded to elect John Harvie and George Rodes to represent them in the Continental Congress for the ensuing year. These were the first members of an American Congress ever chosen from the country west of the Allegheny mountains. They were furnished with instructions by which they were requested to complain on behalf of the people: "First, of having had to supply the soldiers in the last Indian war with their provisions, and thereby having brought themselves well-nigh to suffering; second, that the garrison maintained there had to be supported by the inhabitants; and third, that this country, adjoining the Indian territory and Province of Quebec, is exposed to the inroads of the savages

and the militia of that province" (American Archives, Vol. III., Fourth Series).

THE QUEBEC ACT.

The convention wished it to be represented to Congress that they were "adjoining the Province of Quebec." So they were. In 1763, at the close of the French and Indian war, the English Parliament passed an act which disfranchised the Catholics of Canada and cut off the revenues of their church. This law continued in force until October, 1774, when Parliament, having received intelligence of the "Boston Tea Party," and fearing that the Canadians would unite with her now disaffected colonies, enacted what is known as "The Quebec Act." By it the boundaries of that province were extended to the Ohio and Mississippi rivers; the old French laws were restored in all judicial proceedings, and to the Catholics were secured the enjoyment of all their lands and revenues. Thus it is seen that the present State of Ohio was made a part of Quebec, and the inhabitants of the District of West Augusta were correct in their representations to Congress that the Ohio was all that separated them from Quebec.

TORY INSURRECTION WITHIN THE STATE.

Notwithstanding the ardent patriotism exhibited by the West Virginia pioneers, who for eight long years warred alike against the savage from the wilderness and the Briton from the sea, there were some among them who adhered to the royal cause. Of these the leaders appear to have been John Claypole, a Scot by birth, and his two sons, who resided within the present

limits of Hardy county. At the time it was currently believed that the latter went to North Carolina, where Lord Conwallis gave to each a commission as captain in the British service, and sent to their father a colonel's commission in the same. Such was their influence that they succeeded in drawing over to the British cause a considerable number of people residing on Lost river and the south branch of the Potomac, then in Hampshire county, now in Hardy. The subjoined account of their operations and suppression is from Kercheval's "History of the Valley of Virginia:"

"They first manifested symptoms of rebellion by refusing to pay their taxes and to furnish their quota of men to serve in the militia. The sheriffs, or collectors of the revenue, complained to Colonel Van Matre, of the county of Hampshire, that they were resisted in their attempts to discharge their official duties, when the colonel ordered a captain and thirty men to their aid. The insurgents armed themselves and determined to resist. Among them was John Brake, a German of considerable wealth, who resided about fifteen miles above Moorefield, on the South fork of the South Branch, and whose house became the place of rendezvous for the insurgents. When the sheriff went up with the militia *posse*, fifty men appeared in arms. The *posse* and the tories unexpectedly met in the public road. Thirty-five of the latter broke and ran about one hundred yards, and then formed, while fifteen stood firm. The captain of the guard called for a parley, when a conversation took place, in which this dangerous proceeding on the part of the tories was pointed out, with the terrible consequences which must inevitably follow. It is said that had a pistol been

fired, a dreadful scene of carnage would have ensued. The two parties, however, parted without bloodshed. But instead of the tory party retiring to their respective homes and attending to their domestic duties, the spirit of insurrection increased. They began to organize, appointed officers, and made John Claypole their commander-in-chief, with intention of marching off in a body to Cornwallis, in the event of his advancing into the valley or near it.

"Several expresses were sent to Colonel Smith, requesting the aid of the militia, in the counties immediately adjoining, to quell this rebellion. He addressed letters to the commanding officers of Berkeley and Shenandoah, beat up volunteers in Frederick, and in a few days an army of four hundred, rank and file, were well mounted and equipped. General Morgan, who after the defeat of Tarleton and some other military services, had obtained leave of absence from the army, and was reposing on his farm—Saratoga—in Frederick, and whose name was a host in itself, was solicited to take the command, with which he readily complied. About the 18th or 20th of June the army marched from Winchester, and in two days arrived in the neighborhood of this tory section of Hardy county. They halted at Claypole's house and took him prisoner. Several young men fled; among them William Baker. As he ran across Claypole's meadow he was hailed and ordered to surrender; but disregarding the command, Captain Abraham Byrd, of Shenandoah county, an excellent marksman, raised his rifle, fired, and wounded him in the leg. He fell and several of Morgan's men went to him to see the result. As the poor fellow begged for mercy he was taken to the house, and his

wound dressed by the surgeon of the regiment. He recovered and is still living (1833). They took from Claypole provisions for themselves and horses, Colonel Smith, who was second in command, giving him a certificate for their value.

"From Claypole's the army moved up Lost river, and some young men in advance took a man named Mathias Wilkins prisoner, placed a rope around his neck and threatened to hang him. Colonel Smith rode up, saw what was going on, and ordered them instantly to desist. They also caught a man named John Payne, and branded him on the posteriors with a red hot spade, telling him they would make him a Freemason. Claypole solemnly promised to be of good behavior, gave bail and was set at liberty.

"The army thence crossed the South Branch mountain. On or near the summit they saw a small cabin, which had probably been erected by some hunters. General Morgan ordered it to be surrounded, observing, 'It is probable some of the tories are now in it.' As the men approached the cabin, ten or a dozen fellows ran out and fled. An elderly man, named Mace, and two of his sons were among them. Old Mace finding himself pretty closely pursued, surrendered. One of the pursuers was Captain William Snickers, an aide-de-camp of Morgan, who being mounted on a fine horse was soon alongside of him. One of Mace's sons looking round at this instant, and seeing Snickers aiming a blow with a drawn sword at his father, drew up his gun and fired at him. The ball passed through the crest of his horse's neck; he fell and threw the rider over his head. Snickers was at first thought by his friends to be killed, and in the

excitement of the moment, an Irishman, half drunk, who had been with Morgan for some time as a waiter, and had seen much tory blood shed in the Carolinas, ran up to Mace, the prisoner, with a cocked pistol in his hand, and shot the poor man, who fell and immediately expired. Captain Snickers soon recovered from the bruises received in his fall, as did the horse also from the wound in his neck.

"The army proceeded on to pay their respects to Mr. John Brake, an old German, who had a fine farm with extensive meadows, a mill, large distillery, and many fat hogs and cattle. He was an exception in his political course to his countrymen, as they were almost to a man true whigs and friends to their country. Brake, as before observed, had joined the tory band, and his house was their place of rendezvous, where they feasted on the best he had. All this appearing unquestionable, Morgan marched his army to his residence, there halted and spent two days and nights with his reluctant host. His troops lived on the best that his fine farm, mill and distillery afforded, feasting on his pigs, fatted calves, young beeves, lambs and poultry, while their horses fared no less luxuriously upon his fine unmown meadows and oat-fields. As Brake had entertained and feasted the tories Morgan concluded that he should feast them in turn.

"The third day, in the morning, the army moved on down the river, passed by Moorefield and returned to Winchester, where it was disbanded, after a service of only about eight or ten days. Thus was this tory insurrection crushed in the bud. The parties themselves became ashamed of their conduct, and in some degree to atone for it and wipe off the stain, several

of the young men volunteered their services and marched to aid in the capture of Cornwallis."

Major-General Daniel Morgan, who commanded the army that quelled the insurrection, was born in New Jersey in 1736. His military history is familiar to every reader. Early in life he removed to Frederick, now Clark county, Virginia. In 1775, he joined Braddock's expedition as a teamster, and was wounded in the battle of Monongahela. At the outbreak of the Revolution, he left his farm in Virginia, and at the head of his famous corps of riflemen, marched to Boston, accomplishing a journey of six hundred miles in three weeks. In 1775, he accompanied Arnold on his expedition to Quebec, and was taken prisoner in the attack on that city. He was released at the close of 1776, and immediately appointed colonel of a rifle regiment, in which capacity he served in his native State in 1776-77. He with his command took a conspicuous part in the battle of Bemus Heights. In 1780 he was made Brigadier-General and transferred to the Southern army. January 17, 1781, witnessed his great victory at the Cowpens. At the close of the war he returned to his estate, Saratoga—name given in memory of the victory at that place—near Winchester. In 1794, he commanded a Virginia regiment in the expedition that suppressed the whiskey insurrection in Western Pennsylvania, after which, in 1795, he was elected to Congress and served two terms. In 1800, he removed to Winchester, where he died two years later. Around him, beneath the clods of the valley, and among the Hampshire hills, moulder in the dust the remains of those whom he led to battle, and who filled the ranks of the renowned Rifle regiment.

How many West Virginia pioneers served in the Virginia State line during this war we do not know. But it is certain that Berkeley, Hampshire, and West Augusta men were on almost every battle-field of the Revolution. The muster rolls of the 2d, 11th, and 15th Virginia regiments, together with that of Morgan's Rifle regiment are still extant, and it is safe to say that of the men composing the latter alone, there are descendants in every county of the State. An inspection of these rolls forces the conclusion that the ancestors of nearly every pioneer family of the State were Revolutionary soldiers. When the sound of war had died away, many of these old heroes found homes and lived and died within the present limits of West Virginia. Hundreds of them had marked with their blood the snows of the North, and marched and countermarched through the pestilential swamps of the South. Washington knew their character, and in 1781—one of the darkest periods of the war—when the Pennsylvania and New Jersey lines had mutinied, on being told of the efforts of a pioneer woman on the Virginia frontier to induce her sons to go to battle, he was heard to exclaim, "Leave me but a banner to place on the mountains of Augusta, and I will rally around me the men who will lift our bleeding country from the dust and set her free!"

Greenbriar county was formed in 1777, the gloomiest for the American cause of all the years of the Revolution. Colonel John Stuart, in a memoir written in 1798, on a fly-leaf of an order-book in the county clerk's office at Lewisburg, thus tells how the people of that county paid their war taxes:

"The paper money used for maintaining our war

against the British became totally depreciated, and there was not a sufficient quantity of specie in circulation to enable the people to pay the revenue tax assessed upon the citizens of the county, wherefore we fell in arrears to the public for four years. But the Assembly taking our remote situation into consideration, graciously granted the sum of £5,000 of the said arrears to be applied to the purpose of opening a road from Lewisburg to the Kanawha river. The people, grateful for such indulgences, willingly embraced the opportunity of such an offer, and every person liable for arrears of taxes agreed to perform labor equivalent on the road, and the people being divided into districts, with each a superintendent, the road was completed in the space of two months, in the year 1786, and thus was a communication by wagons to the navigable waters of the Kanawha first effected, and which will probably be found the nighest and best conveyance from the eastern to the western country that will be known."

But the final scene of the war was enacted. Britain called her shattered regiments home, and the thirteen feeble colonies of 1776, became the recognized nation of 1783. Had Virginia performed her part in the mighty struggle? Let history answer. She was the first to adopt an independent constitution, and the first to recommend a Declaration of Independence. She sent her noble son to become the first among the leaders of the Continental army; her officers and soldiers, whom she kept in the field for eight long years, ever evinced unsurpassed bravery and fortitude. She contributed the eloquence of Henry, the pen of

Jefferson, and the sword of Washington. What other American State has such a record?

Of the men composing the Virginia line during that struggle, many hundreds were daring pioneers from her western frontier. Many of them found graves and crumbled to dust on the hills and in the valleys of West Virginia. Their very names have been consigned to oblivion, but their memory will live as long as the records of the Revolution are cherished by a free people—free because of the valorous services of these men and their compatriots in arms.

CHAPTER XI.

MILITARY OPERATIONS ON THE BORDER FROM 1777 TO 1795.

West Virginia at the Close of the Revolution—Western Outposts of Civilization—Forts, Stockades, and Block-Houses—The Indians Besiege Fort Henry—Murder of Cornstalk at Point Pleasant—Attempt to Punish his Murderers—Military Movements in the Ohio Valley—Expedition of General McIntosh, with Biographical Notice—Fatal Ambuscade at Point Pleasant—Siege of Fort Randolph—General Clarke's Illinois Campaign—Expedition of Colonel Daniel Brodhead—Colonel David Williamson's March to the West and Murder of the Moravian Indians—Colonel William Crawford's Expedition and his Terrible Fate—Campaign of General Harmar—St. Clair's Defeat—Battle of Fallen Timbers—Wayne's Treaty with the Indians.

A GLANCE at that part of Virginia's western domain now included within the limits of West Virginia, at the close of the Revolution, cannot fail to be of interest. In 1784, there were but five counties in all that territory: Hampshire and Berkeley, formed before the war began, and Monongalia, Ohio, and Greenbrier, created during its continuance. The log-cabin of the pioneer dotted the landscape along the banks and in the valleys of the South Branch, Cacapon, and Opequon rivers, and columns of smoke rising above the primeval forest, indicated his place of habitation on the upper tributaries of the Monongahela. Other adventurers had pushed farther west, and reared the standard of civilization on the banks of the Ohio, while at the same time frontiersmen from Augusta passed over the Alleghenies and found homes in the Greenbrier valley and on Muddy creek, Indian creek, and other tributaries

of New river. Leonard Morris had led the way to the Great Kanawha valley, and reared his cabin about ten miles above where Charleston now stands, where other determined spirits soon came to live beside him. Stockades, forts, and block-houses had been erected in several localities, and in them the pioneers found refuge from the merciless storm of savage warfare. Edwards' Fort stood on the Warm Spring mountain; Fort Pleasant was situated in the South Branch valley; Fort Frederick was located within the present limits of Berkeley county; Evan's Fort was situated within two miles of the present site of Martinsburg; Nutter's Fort had been reared near where Clarkesburg now stands; Donnally's Fort was within two miles of the present town of Frankfort, in Greenbrier county; and Fort Randolph, at the mouth of Great Kanawha, and Fort Henry, on the present site of Wheeling, both reared before the Revolution, were the most western outposts of civilization. These settlements were but spots in an unbroken and almost untrodden wilderness, for no white man had yet found a home in the valleys of the Little Kanawha, Guyandotte, Twelve Pole, or Big Sandy rivers, and from the latter, stretching northward to Mason and Dixon's line, a primeval forest overshadowed the landscape. The close of the Revolution brought peace and quiet to the dwellers on the Atlantic seaboard, but not to those destined to settle the wilderness. For years they were to withstand the shock of savage warfare waged by a fierce and relentless foe.

The red men carried on this forest war against the frontiers of America for more than two centuries. Every foot of the soil of Virginia, from Chesapeake

bay to the Ohio river, they defended with the pertinacity of veterans. It had been the hunting-ground of their fathers, whose bones were interred in the land according to all the rites and ceremonies of a savage people. No wonder that it required five generations for the combined forces of Great Britain and her American colonies to drive them from it. It was a war of races; and then, as ever, the passive was forced to yield to the active. They were at length driven beyond the Ohio, but would not give up the struggle. They saw the pioneers cross the Alleghenies, and occupy the hills and vales of West Virginia. A spirit of revenge arose within them, and for thirty-five years after they crossed the Ohio they equipped war-parties and sent them against the Virginia frontier. Every student of pioneer history knows the result. The rifle, the war-club, the scalping-knife, and the torch, each was made to do its work in the tragedy then enacted in the cabin homes and beneath the forest shade in what is now West Virginia.

A connected recital of these barbarities would present a dreary uniformity of incident, and to enter into a narration of individual efforts and sufferings, of less important triumphs and defeats, would be but to present a confused mass of rencounters of the rifle and tomahawk, of burnings, murders, captivities, and reprisal, which confound by their number and weary by their resemblance. To avoid this, we reserve the details, that they may appear under the heads of the respective counties within the present limits of which they occurred, and conclude the present chapter with a review of the principal military movements which

occurred on the Virginia border in the latter years of the Revolution and after the close of that struggle.

Of the Indians who wrought destruction on the Virginia frontier little is known previous to the year 1764, when all had retreated north of the Ohio, except the Shawnees, who still occupied their town at the mouth of Oldtown creek, on the Ohio, now in Mason county. This they abandoned in 1765. At that time the tribes in what is now Ohio were the Wyandotts—called Hurons by the French—occupying the valley and plains bordering on the Sandusky river; the Delawares, living in the territory drained by the Tuscarawas and Muskingum rivers; the Shawnees, dwelling principally along the Scioto river, their principal towns being in the vicinity of Chillicothe; the Miamis, chief occupants of the valleys of the Great and Little Miami rivers; the Mingoes, collected in great numbers on the Ohio, near where Steubenville now stands; the Ottawas, living in the valleys of the Sandusky and Maumee rivers, and the Chippewas, confined to the southern shores of Lake Erie. There dwelt the barbarous hordes who frequently warred among themselves, but were united as one common foe opposed to the English. Thence they sent their war-parties, carrying desolation south of the Ohio.

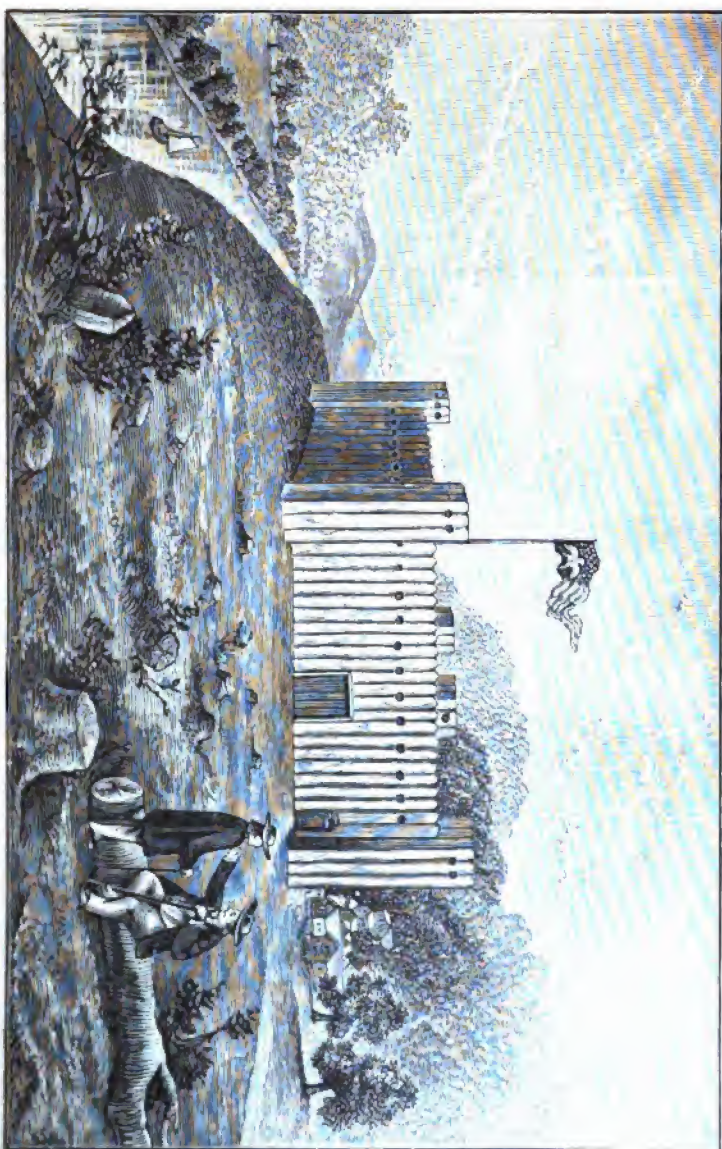
Three trails or war-paths led from the Ohio into the interior of Virginia. These followed the valleys of the Big Sandy, Great Kanawha, and Little Kanawha rivers. The route taken by the war-parties depended on the locality they wished to reach. If it was the Roanoke and upper tributaries of the James, then the Big Sandy route was chosen; if the Greenbrier and New river valleys, then they crossed the Ohio and pro-

ceeded up the Great Kanawha; but if they marched toward the settlements on the West Fork and along the Buckhannon, Tygert's, and Cheat rivers, they journeyed up the Little Kanawha, and ascending Leading creek to its source, passed over to the upper waters of these rivers.

The frontiersmen of Virginia were as hardy a race as ever braved the perils of the wilderness, and were ready if need be to sacrifice their lives in defence of their homes. Whenever they were strong enough they took the offensive, and, organizing in detachments, carried the war into the wilderness. We shall now notice those sent out in defence of the Virginia, Pennsylvania, and Kentucky frontiers, together with Indian invasions, sieges, and attacks.

THE INDIANS BESIEGE FORT HENRY.

Fort Henry stood immediately on the left bank of the Ohio, about a quarter of a mile above Wheeling creek. It is said to have been planned by General George Rogers Clarke, and was constructed under the superintendence of Ebenezer Zane and John Caldwell. It was originally called Fort Fincastle, and was a place of refuge for the settlers in Dunmore's war. The name was afterwards changed to Fort Henry in honor of Patrick Henry. The fort was built on open ground, and covered a space of about three-quarters of an acre. It was a parallelogram, having a block-house at each corner, with lines of stout pickets, about eight feet high, extending from one block-house to another. Within the enclosure were a store-house, barrack-rooms, garrison-well, and a number of cabins for the use of families. The principal entrance was



FORT HENRY, WHEELING, 1777.

through a gateway on the eastern side of the fort, next to the then straggling village of Wheeling, consisting of some twenty-five log-houses.

In September, 1777, the savages, variously estimated at from 380 to 500 warriors, having been abundantly supplied with arms and provisions by the British Governor, Hamilton, at Detroit, and led on by Girty, were brought before the walls of Fort Henry, before Colonel Shepherd, the commandant, knew of their real design. Some symptoms of their propinquity having been discovered, the settlers in the vicinity had, the night previous, sought shelter in the fort.

The garrison numbered only forty-two fighting men, all told, counting those advanced in years as well as those who were mere boys. A portion of them were skilled in Indian warfare, and all were excellent marksmen. The storehouse was amply supplied with muskets, but was sadly deficient in ammunition.

The next morning Colonel Shepherd despatched a man, accompanied by a negro, on an errand a short distance from the fort. The white man was brought to the ground by a blow from the firelock of an Indian ; but the negro escaped back to the fort, and gave intelligence that they had been waylaid by a party of Indians in a corn-field.

As soon as the negro related his story, the colonel despatched Captain Samuel Mason, with fourteen men, to dislodge the Indians from the field. Captain Mason with his party marched through the field, and arrived almost on the bank of the creek without finding the Indians, and had already commenced a retrograde movement when he was suddenly and furiously assailed in front, flank, and rear by the whole of Girty's

army. The captain rallied his men from the confusion produced by this unexpected demonstration of the enemy, and instantly comprehending the situation in which he was placed, gallantly took the lead, and hewed a passage through the savage phalanx that opposed him. In this desperate conflict more than half the little band were slain, and their leader severely wounded. Intent on retreating back to the fort, Mason pressed rapidly on with the remnant of his command, the Indians following closely in pursuit. One by one these devoted soldiers fell at the crack of the enemy's rifle. An Indian, who eagerly pursued Captain Mason, at length overtook him ; and to make sure his prey, fired at him from the distance of five paces ; but the shot, although it took effect, did not disable the captain, who immediately turned about, and hurling his gun at the head of his pursuer, felled him to the earth. The fearlessness with which this act was performed caused an involuntary dispersion of the gang of Indians who led the pursuit ; and Mason, whose extreme exhaustion of physical powers prevented him from reaching the fort, was fortunate enough to hide himself in a pile of fallen timbers, where he was compelled to remain to the end of the siege. Only two of his men survived the skirmish, and they, like their leader, owed their safety to the heaps of logs and brush that abounded in the corn-field.

As soon as the critical situation of Captain Mason became known at the fort, Captain Ogle, with twelve volunteers from the garrison, sallied forth to cover his retreat. This noble, self-devoted band, in their eagerness to press forward to the relief of their suffering

fellow-soldiers, fell into an ambuscade, and two-thirds of their number were slain upon the spot. Sergeant Jacob Ogle, though mortally wounded, managed to escape with two soldiers into the woods, while Captain Ogle escaped in another direction, and found a place of concealment, which, like his brother officer, Captain Mason, he was obliged to keep as long as the siege continued. Immediately after the departure of Captain Ogle's command, three new volunteers left the garrison to overtake and reinforce him. These men, however, did not reach the corn-field until after the bloody scenes had been enacted, and barely found time to return to the fort before the Indian host appeared before it. The enemy advanced in two ranks, in open order, their left flank reaching to the river bank, and their right extending into the woods as far as the eye could reach. As the three volunteers were about to enter the gate a few random shots were fired at them, and instantly a loud whoop arose on the enemy's left flank, which passed as if by concert along the line to the extreme right, until the welkin was filled with a chorus of the wildest and most startling character. This salute was answered by a few well-directed rifle-shots from the lower block-houses, which produced a manifest confusion in the ranks of the besiegers. They discontinued their shouting and retired a few paces, probably to await the coming up of their right flank, which, it would seem, had been directed to make a general sweep of the bottom, and then approach the stockade on the eastern side.

At this moment the garrison of Fort Henry numbered no more than twelve men and boys. The fortunes of the day so far had been fearfully against them ; two

of their best officers and more than two-thirds of their original force were missing. The exact fate of their comrades was unknown to them, but they had every reason to apprehend that they had been cut to pieces. Still they were not dismayed; their mothers, sisters, wives, and children were assembled around them; they had a sacred charge to protect, and they resolved to fight to the last extremity, and confidently trusted in Heaven for the successful issue of the combat.

When the enemy's right flank came up Girty changed his order of attack. Parties of Indians were placed in such of the village houses as commanded a view of the block-houses; a strong body occupied the yard of Ebenezer Zane, about fifty yards from the fort, using a paling fence as a cover, while the greater part were posted under cover in the edge of the corn-field, to act offensively or serve as a corps of reserve as occasion might require. These dispositions having been made, Girty, with a white flag in his hand, appeared at the window of a cabin, and demanded the surrender of the garrison in the name of his Britannic Majesty. He read the proclamation of Governor Hamilton, and promised them protection if they would lay down their arms and swear allegiance to the British crown. He warned them to submit peaceably, and admitted his inability to restrain the passions of his warriors when they once became excited with the strife of battle. Colonel Shepherd promptly told him in reply that the garrison would never surrender to *him*, and that he could only obtain possession of the fort when there remained no longer an American soldier to defend it. Girty renewed his proposition, but before he finished his harangue a thoughtless

youth in one of the block-houses fired a gun at the speaker, and brought the conference to an abrupt termination. Girty disappeared, and in about fifteen minutes the Indians opened the siege by a general discharge of rifles.

It was yet quite early in the morning, the sun not having appeared above the summit of Wheeling hill, and the day is represented to have been one of surpassing beauty. The Indians, not entirely concealed from the view of the garrison, kept up a brisk fire for the space of six hours without much intermission. The little garrison, in spite of its heterogeneous character, was, with scarcely an exception, composed of sharp-shooters. Several of them, whose experience in Indian warfare gave them a remarkable degree of coolness and self-possession in the face of danger, infused confidence into the young; and, as they never fired at random, their bullets, in most cases, took effect. The Indians, on the contrary, gloated with their previous success, their tomahawks reeking with the blood of Mason's and Ogle's men, and all of them burning with impatience to rush into the fort and complete their work of butchery, discharged their guns against the pickets, the gate, the logs of the block-houses, and every other object that seemed to shelter a white man. Their fire was thus thrown away. At length some of their most daring warriors rushed up close to the block-house, and attempted to make more sure work by firing through the logs; but these reckless savages received, from the well-directed rifles of the frontiersmen, the fearful reward of their temerity. About one o'clock the Indians discontinued their fire, and fell back against the base of the hill.

The stock of gunpowder in the fort having been nearly exhausted, it was determined to seize the favorable opportunity offered by the suspension of hostilities to send for a keg of gunpowder which was known to be in the house of Ebenezer Zane, about sixty yards from the gate of the fort. The person executing this service would necessarily expose himself to the danger of being shot down by the Indians, who were yet sufficiently near to observe everything that transpired about the works. The colonel explained the matter to his men, and, unwilling to order one of them to undertake such a desperate enterprise, inquired whether any man would volunteer for the service. Three or four young men promptly stepped forward in answer to the call. The colonel informed them that the weak state of the garrison would not justify the absence of more than one man, and that it was for themselves to decide who that person should be. The eagerness felt by each volunteer to undertake the honorable mission prevented them from making the arrangement proposed by the commandant; and so much time was consumed in the contention that fears began to arise that the Indians would renew the attack before the powder could be procured. At this crisis a young lady, the sister of Ebenezer and Silas Zane, came forward and desired that she might be permitted to execute the service. This proposition seemed so reckless that it met with a peremptory refusal; but she instantly renewed her petition in terms of redoubled earnestness, and all remonstrances of the colonel and her relatives failed to dissuade her from her heroic purpose. It was represented to her that either of the young men, on account of their superior

fleetness and familiarity with scenes of danger, would be more likely than herself to do the work successfully. She replied that the danger which would attend the enterprise was the one reason that induced her to offer her services, for, as the garrison was very weak, no soldier's life should be placed in needless jeopardy, and that if she were to fall her loss would not be felt. Her petition was ultimately granted and the gate opened for her to pass out. The opening of the gate arrested the attention of several Indians who were straggling through the village. It was noticed that their eyes were upon her as she crossed the open space to reach her brother's house, but seized perhaps with a sudden freak of clemency, or believing that a woman's life was not worth a load of gunpowder, or influenced by some other unexplained motive, they permitted her to pass without molestation. When she reappeared with the powder in her arms, the Indians, suspecting, no doubt, the character of her burden, elevated their fire-locks and discharged a volley at her as she swiftly glided toward the gate, but the balls flew wide of the mark, and the fearless girl reached the fort in safety with her prize. The pages of history may furnish a parallel to the noble exploit of Elizabeth Zane, but an instance of greater self-devotion and moral intrepidity is not to be found anywhere.

About half-past two o'clock the Indians put themselves again in motion, and advanced to renew the siege. As in the first attack, a portion of their warriors took possession of the cabins contiguous to the fort, while others availed themselves of the cover afforded by Zane's paling fence. A large number posted themselves in and behind a blacksmith shop

and stable that stood opposite the northern line of pickets; and another party, probably the strongest of all, stationed themselves under cover of a fence and several large piles of fallen timbers on the south side of the fort. The siege was now reopened from the latter quarter—a strong gang of Indians advancing under cover of some large stumps that stood on the side of the declivity below the fort, and renewing the combat with loud yells and a brisk fire. The impetuosity of the attack on the south side brought the whole garrison to the two lower block-houses, from which they were enabled to pour out a destructive fire upon the enemy in that quarter. While the garrison was thus employed, a party of eighteen or twenty Indians, armed with rails and billets of wood, rushed out of Zane's yard and made an attempt to force open the gate of the fort. Their design was discovered in time to defeat it; but they only abandoned it after five or six of their number had been shot down. Upon the failure of this scheme the Indians opened a fire upon the fort from all sides, except that next the river, which afforded no shelter to a besieging host. On the north and east the battle raged most fiercely; for, notwithstanding the strength of the assailants on the south, their unfavorable position prevented them from prosecuting with much vigor the attack which they had commenced with such fury.

The rifles used by the garrison towards evening became so much heated by continuous firing that they were rendered useless; recourse was then had to muskets, a full supply of which was found in the store-house. As night set in the firing of the savages grew weaker, though it was not entirely discontinued

until next morning. Shortly after nightfall a party of Indians advanced within sixty yards of the fort, bringing with them a hollow maple log, which they had converted into a field-piece, by plugging up one end with a block of wood. To give it additional strength, a quantity of chains, taken from the blacksmith shop, encompassed it from one end to the other. It was heavily charged with powder, and then filled to the muzzle with pieces of stone, slugs of iron, and such other hard substances as could be found. This piece of primitive artillery was elevated carefully so as to discharge its contents against the gate of the fort. When the match was applied it burst into many fragments; and although it had no effect upon the fort, it killed or wounded several of the Indians who stood by to witness the discharge. A loud yell succeeded the failure of this experiment and the crowd dispersed. By this time the Indians generally had withdrawn from the siege and fallen back against the hill to take rest and food. Numbers of stragglers, however, lurked about the village all night, keeping up an irregular fire on the fort, and destroying whatever articles of furniture and household comfort they chanced to find in the cabins.

Late in the evening, Francis Drake, a son-in-law of Colonel Shepherd, arrived from the forks of Wheeling, and was shot down by the Indians before he could reach the gate of the fort. About four o'clock next morning, September 28, Colonel Swearingen with fourteen men arrived in a periogue from Cross creek, and was fortunate enough to fight his way into the fort without the loss of a man.

About daybreak Major Samuel McColloch, with

forty mounted men from Short creek, came to the relief of the garrison. The gate was thrown open, but McColloch was not permitted to pass the gate-way: the Indians crowded around him and separated him from his party. After several ineffectual attempts to force his way to the gate, he wheeled about and galloped with the swiftness of a deer in the direction of Wheeling hill.

The Indians might easily have killed him, but they cherished towards him a most frenzied hatred; for he had participated in so many encounters that almost every warrior personally knew him. To take him alive and glut their fell revenge by the most fiendish tortures was their object. They made almost superhuman exertions to capture him. He put spurs to his horse, but was soon completely hemmed in on three sides; on the fourth was an almost perpendicular precipice of 150 feet descent, with Wheeling creek at its base. Supporting his rifle in his left hand, and carefully adjusting the reins with the other, he urged his horse to the brink of the bluff, and then made the leap which decided his fate. The next moment the noble steed, still bearing his intrepid rider in safety, was at the foot of the precipice. McColloch dashed across the creek and was soon beyond the reach of the Indians.

After the escape of Major McColloch the Indians concentrated at the foot of the hill, and soon after set fire to all the houses and fences outside the fort, and killed about three hundred head of cattle belonging to the settlers. They then raised the siege, and took up their line of march to some other theatre of action.

During the investiture not a man within the fort



M'COLLOCH'S LEAP.

was killed, and only one wounded. But the loss sustained by the whites during the enemy's inroad was severe. Of the forty-two men who were in the fort on the morning of the 27th, no less than twenty-three were killed in the cornfield before the siege began. Two men who had been sent down the river in a canoe, the night previous, were intercepted by the Indians and killed also; including Drake in the list, the loss sustained by the settlement amounted to twenty-six killed and four or five wounded. The enemy's loss was from sixty to one hundred. According to their ancient custom, they removed their dead from the field before the siege was raised; the extent of their loss is therefore merely conjectural.

The defence of Fort Henry, when we consider the extreme weakness of the garrison and the forty-fold superiority of the host besieging it, was admirably conducted. Foremost on the list of the brave defenders was Colonel Shepherd, whose good conduct on this occasion gained for him the appointment of county-lieutenant from Governor Patrick Henry. The brothers, Silas and Ebenezer Zane, and John Caldwell, men of influence in the community, and the first settlers at Wheeling, contributed much to the success of the battle. Besides the names already mentioned, those of Abraham Rogers, John Linn, Joseph Biggs, and Robert Lemmon must not be omitted, as they were among the best Indian-fighters on the frontier, and aided much in achieving the victory of the day. The wife of Ebenezer Zane, together with several other women in the fort, undismayed by the sanguinary strife that was raging, employed themselves in running bullets and preparing

patches for the use of the men ; and, by their presence at every point where they could make themselves useful, and their cheering words of encouragement, infused new life into the soldiers, and spurred them on in the performance of their duty. The noble act of Elizabeth Zane inspired the men with an enthusiasm which contributed not a little to turn the fortunes of the day. The affair at Fort Henry was unquestionably one of the battles of the Revolution. The northwestern Indians were as much the mercenary troops of Great Britain as were the Hessians and the Waldeckers, who fought at Bennington, Saratoga, and in New Jersey. If the price received by the Indians for the scalps of American citizens did not always amount to the daily pay of the European minions of England, it was, nevertheless, sufficient to prove that the American savages and the German hirelings were precisely on the same footing as part and parcel of the British army: "Howe's Historical Collections," pp. 409, 410, 411, 412, 413.

MURDER OF CORNSTALK.

The brave and noble Shawnee chief Cornstalk was atrociously murdered at Point Pleasant, November 10, 1777. The particulars as here detailed are from the modest, unostentatious memoirs of Colonel John Stuart: "In the year 1777, the Indians being urged by British agents, became very troublesome to frontier settlements, manifesting much appearance of hostilities, when the Cornstalk warrior, with the Redhawk, paid a visit to the garrison at Point Pleasant. He made no secret of the disposition of the Indians; declaring that, on his own part, he was opposed to join-

ing the war on the side of the British, but that all the nations except himself and his own tribe were determined to engage in it; and that of course he and his tribe would have to run with the stream, as he expressed it. On this Captain Arbuckle thought proper to detain him, the Redhawk, and another fellow as hostages, to prevent the nation from joining the British.

"In the course of that summer our government had ordered an army to be raised, of volunteers, to serve under the command of General Hand; who was to have collected a number of troops at Fort Pitt, with them to descend the river to Point Pleasant, there to meet a reinforcement of volunteers expected to be raised in Augusta and Botetourt counties, and then proceed to the Shawnee towns and chastise them so as to compel them to a neutrality. Hand did not succeed in the collection of troops at Fort Pitt; and but three or four companies were raised in Augusta and Botetourt counties, which were under the command of Colonel George Skillern, who ordered me to use my endeavors to raise all the volunteers I could get in Greenbrier for that service. The people had begun to see the difficulties attendant on a state of war and long campaigns carried through wildernesses, and but few were willing to engage in such service. But the settlement which we covered, though less exposed to the depredations of the Indians, had showed their willingness to aid in the proposed plan to chastise the Indians, and had raised three companies. I was, therefore, very desirous of doing all I could to promote the enterprise. I used the utmost endeavor, and proposed to the militia officers to volunteer our-

selves, which would be an encouragement to others, and by such means to raise all the men that could be got. The chief of the officers in Greenbrier agreed to the proposal, and we cast lots who should command the company. The lot fell on Andrew Hamilton for captain and William Renick, lieutenant. We collected in all about forty, and joined Colonel Skillern's party on their way to Point Pleasant.

"When we arrived, there was no account of General Hand or his army, and little or no provision made to support our troops other than what we had taken with us down the Kanawha. We found, too, that the garrison was unable to spare us any supplies, having nearly exhausted, when we got there, what had been provided for themselves. But we concluded to wait there as long as we could for the arrival of General Hand or some account from him. During the time of our stay, two young men, Hamilton and Gilmore, went over the Kanawha one day to hunt for deer; on their return to camp, some Indians had concealed themselves on the bank among the weeds to view our encampment, and as Gilmore came past them, they fired on him and killed him on the bank.

"Captain Arbuckle and myself were standing on the opposite bank when the gun was fired; and while we were wondering who it could be shooting, contrary to orders, or what they were doing over the river, we saw Hamilton running down the bank, who called out that Gilmore was killed. Gilmore was one of the company of Captain John Hall, of that part of the country now Rockbridge county. The captain was a relative of Gilmore's, whose family and friends were chiefly cut off by the Indians in the year 1763. Hall's men in-

stantly jumped into a canoe and went to the relief of Hamilton, who was standing in momentary expectation of being put to death. They brought the corpse of Gilmore down the bank, covered with blood and scalped, and put it into the canoe. As they were passing the river, I observed to Captain Arbuckle that the men would be for killing the hostages as soon as the canoe would land. He supposed that they would not offer to commit so great a violence upon the innocent, who were in no wise accessory to the murder of Gilmore. But scarcely had the canoe touched the shore, when the cry was raised, 'Let us kill the Indians in the fort!' and every man, gun in hand, came up the bank pale with rage. Captain Hall was at their head and leader. Captain Arbuckle and I met them, and endeavored to dissuade them from so unjustifiable an act; but they cocked their guns, threatened us with instant death if we did not desist, rushed by us into the fort, and put the Indians to death.

"On the preceding day the Cornstalk's son, Elinipsico, had come from the nation to see his father, and to know if he was well. When he came to the river opposite the fort, he hallooed. His father was at that instant in the act of delineating a map of the country and the waters between the Shawnee towns and the Mississippi, at our request, with chalk on the floor. He at once recognized the voice of his son, got up, went out and answered him. The young fellow crossed over, and they embraced each other in the most affectionate manner. The interpreter's wife, who had been a prisoner among the Indians, and had recently left them, on hearing the uproar and the men threatening that they would kill the Indians—for whom

she retained much affection—ran to the cabin and told them what she had just heard, that they would be killed because the Indians who killed Gilmore had come with Elinipsico the day before. He utterly denied it; declared that he knew nothing of them and trembled exceedingly. The Cornstalk encouraged him not to be afraid, for the *Great Man above* had sent him there to be killed and die with his father. As the men advanced to the door, the Cornstalk rose up to meet them; they fired, and seven or eight bullets went through him. So fell the great warrior, whose name was bestowed upon him by the consent of the nation as their great strength and support. His son was shot dead as he sat upon a stool. The Redhawk made an attempt to go up the chimney, but was shot down. The other Indian was shamefully mangled, and I grieved to see him so long in the agonies of death."

It has been said that Virginia made no effort to bring to justice the perpetrators of this fiend-like act. That this statement is untrue is shown by the records of Rockbridge county. The first court held for that county convened at the house of Samuel Wallace—where Lexington now stands—April 7, 1778. The justices composing it were John Bowyer, Archibald Alexander, Samuel McDowell, Charles Campbell, Samuel Lyle, Alexander Stewart, Andrew Reid, John Trimble, and John Gilmore, all of whose names are prominent in the annals of Virginia. The following is taken from the records of that court:

"April 30, 1778.—At a court held this day in the second year of the Commonwealth for the examination of Captain James Hall, who stands bound in

recognizance for his appearance, charged with suspicion of felony in being concerned in the murder of the Cornstalk Indian, his son Elinipsico, Redhawk, and another chief of the Indians on the 10th day of November last, there were present Charles Campbell, Samuel Lyle, Alexander Stewart and John Trimble, gentlemen. The above named James Hall appeared, and upon examination desired the facts with which he was charged, whereupon the sheriff proclaimed who could give evidence against the prisoner in behalf of the Commonwealth to appear and do the same, but none appeared. The Court were of the opinion that the said James Hall be further bound to appear before a court to be held for his examination on the 28th day of this instant, which he agreed to and entered into recognizance accordingly." At the appointed time he again appeared, was placed on trial and acquitted. Similar entries appear showing that Hugh Galbraith, Malcolm McCown and William Rowan were each tried upon the same charge and acquitted.

FATAL AMBUSCADE—SIEGE OF FORT RANDOLPH.

No sooner did intelligence of the death of Cornstalk reach the Indians, than they resolved to avenge the death of their illustrious chieftain. For that purpose war parties were sent out on their mission of rapine and murder. The following account of the succeeding events is from Withers' "Border Warfare:"

"A while after Cornstalk's murder a small band of savages made their appearance near the fort at Point Pleasant, and Lieutenant Moore, with some men, was despatched from the garrison to drive them off. Upon his advance, they commenced retreating, and the offi-

cer commanding the detachment, fearing they would escape, ordered a quick pursuit. He had not proceeded far when they fell into an ambuscade. He and three of his men were killed at the first fire. The rest of the party saved themselves by a precipitate flight to the fort.

"In May, 1778, a force of two hundred Indians again appeared before the fort. But as the garrison had been very much reduced by the removal of Captain Arbuckle's company, and the experience of the previous season had taught them prudence, Captain McKee forebore to detach any of his men in pursuit of them. Disappointed in their expectation to entice others to destruction as they had Lieutenant Moore, the Indians suddenly rose from their covert, presented an unbroken line extending from the Ohio to the Kanawha river, and in front of the fort. A demand for the surrender of the fort was then made, and Captain McKee asked until next morning to consider of it. All through the night the men were busily employed in bringing water from the river, expecting that the Indians would continue before the fort some time.

"In the morning Captain McKee sent his answer by the Grenadier squaw—sister of Cornstalk, who, notwithstanding the murder of her brother and nephew, was still attached to the whites, and was remaining at the fort in the capacity of interpreter—that he could not comply with the demand. The Indians immediately began the attack, and for one week kept the garrison closely besieged. Finding, however, that they made no impression on the fort, they collected the cattle about it, and, instead of returning toward their

own country with the plunder, proceeded up the river toward the Greenbrier settlement."

EXPEDITION OF GENERAL MCINTOSH.

General Lachlin McIntosh, commandant of the Western Military Department, came to the Ohio; and, in 1778, at the head of one thousand men, left Fort Pitt and began the march into the wilderness, his design being to proceed directly to Detroit. But when reaching the banks of the Tuscarawas, near the present town of Bolivar, Tuscarawas county, Ohio, he halted, and concluding to proceed no farther, erected a fort, which, in honor of Henry Laurens, of South Carolina, the President of the first Continental Congress, was named Fort Laurens. Leaving a garrison of one hundred and fifty men under command of Colonel John Gibson, McIntosh, probably lacking in energy, and ignorant of Indian warfare, returned with the army to Fort Pitt. Fort Laurens, then the most western outpost of English civilization, was invested by eight hundred Indians, who kept up the siege for nearly two months. They drew the garrison into several ambuscades, in one of which fourteen men were killed. The provisions were exhausted, and when supplies arrived from Fort Pitt, the garrison was so much elated that a salute of musketry was fired, at which the pack-horses took fright and ran into the woods, and thus a large proportion of the supplies was lost. Colonel Gibson, deeming himself unable to hold the fort in the heart of the wilderness, abandoned it in August, 1779, and marched the garrison to Fort Pitt.

General McIntosh was born in Scotland in 1727, and at the age of six years, together with his father's

family, accompanied General Oglethorpe to Georgia. He commanded the First Georgia Infantry Regiment during the Revolution, rising in the scale of promotion to the rank of brigadier-general. He killed Button Guinnett, a signer of the Declaration of Independence, in a duel, in 1777; commanded the Western Army in 1778; was taken prisoner by the British at Charleston, South Carolina, May 12, 1780; was elected to Congress from Georgia in 1784; became Indian Commissioner in 1785, and died at Savannah in 1806.

CLARK'S ILLINOIS CAMPAIGN.

By the terms of the treaty of Fontainebleau, November, 1763, the French dependencies in North America were formally ceded to Great Britain. The southern part of the territory thus surrendered was known as the Illinois country, and in it the various forts were speedily manned by English garrisons. Among these were Kaskaskia, founded by the French in 1680, in what is now Randolph county, Illinois; Cahokia, nearly opposite St. Louis, now in St. Clair county, in the same State, and St. Vincents, now Vincennes, founded in 1735, in what is now Knox county, Indiana. At these forts British emissaries supplied the neighboring tribes with ammunition, arms and clothing, and incited them to hostilities against the Virginia and Kentucky frontier. These streams of devastation could only be dried up by destroying the fountains. But how could this be accomplished? Virginia was straining every nerve and exhausting every resource in defending her seaboard against British arms. If these forts were reduced, it must be done by the frontiersmen on the western slopes of the Alleghenies.

In 1775, George Rogers Clark, then holding a major's commission in the Virginia State Line, and who had served with the rank of captain in Dunmore's war, appeared in Kentucky. June 6, 1775, a general meeting of the Kentucky settlers convened at Harrodstown and elected Gabriel John Jones and Major Clark agents to represent them before the General Assembly of Virginia. The object was to secure the aid of the Commonwealth in the defence of the pioneer homes of Kentucky, then a part of Virginia. Clark, with his associate, at once set out through the southern wilderness to Williamsburg, then the capital of Virginia. After a weary journey of many days, over mountains and through forests frequented by savage bands, they reached Fincastle, in Botetourt county, and there learned that the Assembly had adjourned. Jones returned to the settlements on Holstein river while Clark proceeded to Lower Virginia. He found Governor Henry lying sick at his residence in Hanover county, and to him he explained the object of his journey, at the same time laying before him his plan, previously kept secret, for the reduction of the British posts in the Illinois country. This received the cordial approbation of the Governor, who gave him a letter to the Council of State. Clark appeared before that body and presented his petition for aid. August 23, 1776, an order was made for conveying five hundred pounds of gunpowder to Pittsburg, there "to be safely kept and delivered to Mr. George Rogers Clark, or his order, for the use of the said inhabitants of Kentucky."

In the meantime, Clark was joined by Jones in Virginia, and the former having received from the authori-

ties two sets of instructions—one public, directing him to proceed to Kentucky for its defence, and the other secret, ordering an attack upon the British post of Kaskaskia—both proceeded to Pittsburg. At the same time Major William Smith was despatched to the settlement on the Holstein river to enlist men, while Captains Leonard Helm, of Fauquier county; Joseph Bowman, of Frederick; William Harrod, and several others, proceeded to different sections west of the Blue Ridge for the same purpose.

Just as Clark was beginning the descent of the Ohio from Pittsburg, he learned that France had recognized the independence of the United States. This information came opportunely and was of great service to him. The expedition, consisting of three companies, on reaching the mouth of the Great Kanawha, were pressed by Captain Arbuckle, commandant at that place, to engage with him in pursuit of the Indians who had attacked him the day previous, but had withdrawn and proceeded up the Kanawha. This Clark would have done gladly, but his own undertaking was of greater importance, and he knew his duty too well to be diverted from it. Pressing onward, he reached the present site of Louisville, where he hastily reared the walls of Fort Jefferson. Here, after receiving slight reinforcements, Clark disclosed to his men the true object of the expedition. All was in readiness, and the next day, during a total eclipse of the sun, the boats passed the falls, having on board the entire force, composed of the companies of Captains Leonard Helm, Joseph Montgomery, William Harrod and Joseph Bowman, the aggregate being less than four hundred men. This was the 24th day

of June, 1778. The voyage down the Ohio was continued to within a few miles of the present town of Massac, Massac county, Illinois, where the boats were abandoned and the march into the wilderness began. So rapid was the movement, that on the evening of the 4th of July, Rocheblave, the commandant, was taken completely by surprise, and Kaskaskia surrendered without the firing of a gun. Captain Bowman, at the head of a detachment of horsemen, dashed away toward Cahokia, distant sixty miles, and two days later this post fell into the hands of the Virginians.

Clark at once determined to farther extend Virginia's domain by the capture of Post St. Vincennes. This was accomplished the following winter. Thus Clark, in the space of a few short months, had completely broken the power of the English in that region, thereby extending Virginia's jurisdiction to the Mississippi, and winning for himself the title of "The Hannibal of the West." He sent a messenger to Virginia, requesting the appointment of a civil government for the conquered territory; and, in compliance therewith, the General Assembly, in October, 1778, passed an act establishing the "county of Illinois," which embraced all the chartered limits of Virginia west of the Ohio river.

COLONEL BRODHEAD'S EXPEDITION.

In the meantime, General McIntosh was succeeded in the command of the Western Military Department by Colonel David Brodhead. This officer, in the spring of 1781, resolved to strike an effective blow against the Indian towns on the Muskingum. A force

numbering about eight hundred men, among whom were many of the most daring Indian scouts and hunters on the Virginia frontier, was collected at Wheeling, and, with Colonel Brodhead commanding in person, crossed the Ohio. After a toilsome march the army reached the Muskingum in the vicinity of the present site of Zanesville, where supplies were received from the Christian Indians at the mission station of Rev. John Heckewelder.

Proceeding up the Miami, the army reached the Indian villages situated on both sides of the river, where Coshocton, the seat of justice of Coshocton county, now stands. The Indians were taken by surprise, and those on the east bank of the river were taken prisoners and their towns burned, but those on the west escaped destruction because of the high stage of the water, which prevented the Virginians from crossing the river.

Of the captured Indians, a number were bound and taken some distance from the camp, where they were killed and scalped. The next morning after this butchery, an Indian, on the west bank of the stream, called aloud for the "Big Captain," and when asked what he wanted, replied, "Peace!" "Then send over some of your chiefs," said Colonel Brodhead. Having been assured of safety, one came over and entered into conversation with the commander. While thus engaged, a soldier, named John Wetzels, came up behind him and, with a tomahawk, struck a blow so deadly that the chieftain almost instantly expired. The same day the army began its retreat from Coshocton, the surviving prisoners, about twenty in number, being placed in care of the militia, who soon began

killing them. This they continued until all were murdered except a few women and children, who were carried to Fort Pitt.

MASSACRE OF THE MORAVIAN INDIANS.

In the history of mission work that among the Indians of the Tuscarawas Valley will ever be a prominent feature. Rev. Charles Frederick Post, a Moravian missionary from Bethlehem, Pennsylvania, visited the valley of the Muskingum as early as 1761. Ten years later Rev. David Zeisberger visited the Tuscarawas Valley, and in the wigwam of Netawatwas, a Delaware chief, on the present site of Newcomerstown, Tuscarawas county, on the 14th day of March, 1771, preached what was probably the first Protestant sermon ever delivered in Ohio. In 1772, he began his active missionary work, that year establishing a Moravian mission station—Schönbrunn—two miles south of what is now New Philadelphia. The same year, Gnadenhutten, another mission station, was established eight miles below Schönbrunn in what is now Clay township, Tuscarawas county. In 1776 Lichtenau was founded two miles below the mouth of the Walhonding river, and nearly opposite the present town of Coshocton. New Schönbrunn, within a mile of what is now New Philadelphia, followed in 1779, and Salem in 1780. Associated with these early mission stations will ever be prominent the names of Zeisberger, Heckewelder, Roth, Schmick, Ettwein and Senseman—men whose zeal for the faith which they professed armed them with courage to brave the dangers of the American wilderness, that they might carry the glad tidings to the savages therein. They

gathered around them a large number of converts, chiefly Delawares, who, practising the principles of that gospel they had so recently learned, lived at peace alike with the savage brethren on the one hand and the frontiersmen of Virginia and Pennsylvania on the other. But at length they became the victims of suspicion on the part of both. Fatal position to occupy.

In February, 1782, John Carpenter, Mrs. William Wallace and her three children were carried into captivity by the Indians, and Mrs. Wallace and her infant soon after murdered. This, occurring in mid-winter, induced the belief that the perpetrators had been entertained by the Moravian Indians, and vengeance against those who had harbored them was determined upon. A body of ninety men, chiefly from the Monongahela Valley, was speedily collected, and in March ensuing rendezvoused at Mingo Bottoms, three miles below Steubenville, now in Jefferson county, Ohio. Colonel David Williamson was placed in command, and the march to the Moravian towns soon accomplished. There the Indians, not suspecting danger, made no defence and were soon disarmed and confined in two well-guarded houses. Colonel Williamson, on the 8th day of May, 1782, submitted to his men the question, "Whether the Moravian Indians should be carried to Pittsburg or put to death," and requested all those in favor of saving their lives to step from the ranks. Of the ninety but eighteen stepped out to form a second line. Thus that of Mercy was far too short for that of Vengeance.

The fate of the victims was sealed, and there was enacted a scene without a parallel in American annals.

The gun, the spear, the scalping-knife and the bludgeon were the instruments of execution, and the horrid work was continued in these slaughter-houses without sigh or groan, until ninety-four innocent and peaceable human beings were still in death. Of this number sixty-two were adults, one-third of whom were women, and the remaining thirty-two children. Of all the Indians confined in these charnel houses but two escaped; these were boys, one of whom succeeded in reaching a cellar, where he concealed himself, and the other was scalped and left for dead, but afterward recovered.

No writer has offered a word of apology for the brutal murderers, but every one without exception has condemned them as the actors in a tragedy which is not only a blot on the page of American history, but a disgrace to humanity. Smucker says: "It does, indeed, make for us the darkest, cruelest, bloodiest page in the history of the Northwest." Doddridge pronounced it an "atrocious and unqualified murder." Loskiel, the Moravian historian, characterizes it as "the most infamous act in the border wars of the West."

COLONEL WILLIAM CRAWFORD'S SANDUSKY CAMPAIGN.

Early in the spring of 1782, another expedition was undertaken, the object of which was the destruction of the Wyandotte towns on the Sandusky plains. Nearly all of Colonel Williamson's men, just returned from the slaughter of the Moravian Indians, re-enlisted, and by the 25th of May, a force of 480 men was collected at Mingo Bottom. An election for the commander of the expedition was held here, which re-

sulted in the choice of Colonel William Crawford, he having received 235 votes, while 230 votes were cast for Colonel David Williamson, who was thereby chosen second ranking officer of the expedition. Crawford was reluctant to accept the command, but at length yielded to the entreaties of his friends.

The entire force was mounted and followed "Williamson's Trail" to the Tuscarawas, and thence passed rapidly on to Sandusky. Three miles north of Upper Sandusky, and within the present limits of Wyandotte county, Ohio, an encampment was established. Here on the 4th of June, was fought the battle of Sandusky, in which the whites were defeated with a loss of more than a hundred killed and wounded. On the 5th, amid the darkness of night, the survivors, 300 in number, began a retreat towards the Ohio.

Colonel Crawford placed himself at the head of the column, but missing his son, John Crawford, his son-in-law, John Harrison, and his nephews, Major Rose and William Crawford, he passed back to the rear in search of them, but without avail, for they were then prisoners in the hands of the savages. Far in the rear he met Dr. Knight, the surgeon of the expedition, and the two were joined by others, two of whom were Captain John Biggs and Lieutenant Ashley, the latter of whom was wounded. All pushed forward to overtake the fugitive army. They had proceeded but a short distance, when several Indians sprang up before them. Crawford and Knight surrendered; Biggs and Ashley escaped for the time, but were killed the next day.

On the morning of the 10th of June Colonel Crawford and Dr. Knight, together with nine other prisoners,

were taken back to the Sandusky towns by a party of seventeen Indians, at the head of whom were Pipe and Wingemund, two Delaware chiefs. Here all were painted black, the first step in preparation for the awful fate to follow. Colonel Crawford desired to see Simon Girty, but that fiend in human form gloried even more in savage torment than did the savages themselves. We subjoin the following account of the execution of Crawford, from the memoirs of Dr. Knight, who was an eye-witness, but afterwards made his escape and succeeded in reaching the Virginia border.

"When we came to the fire the colonel was stripped naked, ordered to sit down by the fire, and then they beat him with sticks and their fists. Presently after I was treated in the same manner. They then tied a rope to the foot of a post about fifteen feet high, bound the colonel's hands behind his back and fastened the rope to a ligature between his wrists. The rope was long enough either for him to sit down or to walk around the post once or twice and return the same way. . . .

"Captain Pipe, a Delaware chief, made a speech to the Indians, consisting of about thirty or forty men and sixty or seventy squaws and boys. When the speech was finished they all yelled a hideous and hearty assent to what had been said. The Indian men then took up their guns and shot powder into the colonel's body from his feet as far up as his neck. I think not less than seventy loads were discharged upon his naked body. They then crowded around him and to the best of my observation cut off his ears: when the throng had dispersed a little I saw blood running from both sides of his head in consequence thereof.

"The fire was about six or seven yards from the stake to which the colonel was tied; it was made of small hickory poles, burnt quite through the middle, each end of the pole remaining about six feet in length. Three or four Indians, by turns, would take up, individually, one of these burning pieces of wood and apply it to his naked body, already burnt black with the powder. These tormentors presented themselves on every side of him, so that whichever way he ran round the post they met him with the burning fagots and poles. Some of the squaws took broad boards, upon which they would put a quantity of burning coals and hot embers and throw them on him, so that in a short time he had nothing but coals of fire and hot ashes to walk upon. . . .

"Colonel Crawford at this period of his sufferings besought the Almighty to have mercy on his soul, spoke very low, and bore his torments with the most manly fortitude. He continued in all the extremities of pain for an hour and three quarters or two hours longer, as near as I can judge, when at last, being almost spent, he lay down; they then scalped him and repeatedly threw the scalp in my face, telling me 'That was my great captain's.' An old squaw—whose appearance every way answered the ideas people entertain of the devil—got a board, took a parcel of coals and ashes and laid them on his back and head after he had been scalped; he then raised himself upon his feet and began to walk round the post; they next put a burning stick to him as usual, but he seemed more insensible to pain than before."

Thus died Colonel William Crawford, and thus was terribly revenged the slaughter of the Moravian

Indians, but not upon the perpetrators of that fiendish act.

EXPEDITION OF GENERAL JOSIAH HARMAR.

The expedition of General Harmar, against the western Indians in 1790 was the first military movement north of the Ohio after the establishment of civil government in the Northwest Territory. The army was organized at Fort Washington, now Cincinnati, and consisted of three battalions of Kentucky militia commanded by Colonel Trotter; one battalion of Pennsylvania troops under Colonel John Harden; a detachment of Kentucky cavalry under Major Fontaine; Ferguson's battery of three guns and two battalions of regulars commanded by Majors Wylls and Doughty—the entire force amounting to fourteen hundred and fifty-three men.

On the 26th of September the advance left Fort Washington, followed on the 30th and 3d and 4th of October by the main army, the objective point being the Indian towns at the junction of the St. Mary's and St. Joseph's rivers—now Fort Wayne, Indiana. On the 15th of October the army reached its destination; no enemy was found, but the principal village, together with twenty thousand bushels of corn, was destroyed.

From here detachments were sent out in search of the enemy. On the 19th a body of three hundred men under Colonel Harden crossed the St. Joseph's river, and when about twenty miles west of its junction with the St. Mary's it was attacked by a large number of Indians, at the head of whom was the celebrated chief, Little Turtle. In a short time nearly one hundred of Harden's men lay dead upon the field, and the

survivors reached the main army closely pursued by the victorious savages.

On the 22d General Harmar was informed by his scouts of the presence of the enemy in force at one of the neighboring towns. A detachment consisting of three hundred and forty militia and regulars was sent out under Major Wyllys. Discovering the Indians at day-light an engagement at once began. Major Fontaine fell at the first fire. The savages fought with a desperation hitherto unknown, many of them throwing down their guns and rushing upon the soldiers with tomahawk in hand, carrying death into the ranks. When fifty-three regulars and one hundred and three of the militia had fallen, a panic began and continued until the fugitives reached the main army. General Harmar at once began a retreat to Fort Washington, leaving the unburied bodies of the dead to moulder on the banks of the Maumee, where their whitened skeletons were collected and buried four years after by the soldiers of Wayne's army. Thus ended in disaster the campaign of General Harmar.

DEFEAT OF GENERAL ST. CLAIR.

The only effect of Harmar's campaign was to intensify the exasperation and hostility of the savages, and as a consequence the ensuing year was one of murder and destruction along the Virginia and Kentucky frontier. To stay the tide of blood, it was resolved to organize a larger army than had yet invaded the Indian country, one of such numbers as should be able, despite every combination of the savages, to build a cordon of forts from Fort Washington on the Ohio to the source of the Maumee.

To carry out this design, on the 3d of March, 1791, the General Assembly of Virginia passed an act providing for "The addition of another regiment to the military establishment of the United States, and for the better protection of the frontiers." In execution of this act, President Washington immediately appointed General Arthur St. Clair to the command of the army of the Northwest and authorized him to enlist a force of three thousand men to be employed against the Indians.

General St. Clair proceeded to Fort Washington in April, and began preparations for the invasion of the wilderness. General Richard Butler, a gallant soldier of the Revolution, who served in Morgan's Rifle Corps, arrived at the head of the Pennsylvania levies, and became the second ranking officer of the expedition. In mid-summer Colonel William Darke, with a battalion of Virginia troops from the counties of Hampshire and Berkeley—now in West Virginia—reached Fort Washington. September 17, the army, 2,300 strong, moved forward and began the erection of Fort Hamilton, the first in the line of forts to the Maumee, and distant twenty-two miles from Fort Washington. On the 12th of October they commenced building Fort Jefferson, forty-four miles from Fort Hamilton, and within six miles of the present site of Greenville, the seat of justice of Darke county, Ohio. On the 24th of October the fort was completed. The army again moved forward, and on the 3d of November encamped on a branch of the Wabash, now in the southwestern corner of Mercer county, Ohio, and within two miles of the Indiana State line and five miles from the Darke county line.

Here on the next morning at sunrise the army was unexpectedly attacked by the Indians, 2,000 strong, and the slaughter which followed has no parallel in forest warfare. As usual, the militia fled in confusion at the first fire. Colonel Darke, at the head of the Virginians, made two daring charges, in both of which the foe was beaten back, but St. Clair was unable to hold the advantage thus gained. For three hours successes and reverses rapidly followed each other, both of which resulted in great loss of life, especially among the officers. Every commissioned officer in the second regiment except three was either killed or wounded, and when the artillery was silenced every artillery officer had been killed except Captain Ford, and he was severely wounded.

When the retreat began 630 men had been killed and 240 wounded. Among the former eighty were from Berkeley county, now in West Virginia. The number of officers lost was unusually large. Among the fallen were General Butler, Colonel Oldham, and Majors Ferguson, Clarke and Hart. Among the wounded were Adjutant-General Winthrop Sargent, Colonel Darke, Lieutenant-Colonel Gibson and Major Butler.

In complete rout, the fugitives reached Fort Jefferson, thirty miles distant, that night, and the next morning the flight continued toward Fort Washington. Thus ended in failure an expedition from which much had been expected.

No battle ever fought between the Indians and Americans in the Northwest had been attended with such disastrous results or equalled it in the destruction of human life. It was indeed the most terrible reverse

the Americans ever sustained from the Indians. A defenceless frontier, extending from the Monongahela to the Mississippi, was, by the defeat, left exposed to the inroads of maddened, victorious and revengeful savages. The situation was at once seen by the War Department, at the head of which was General Henry Knox, the "Artillerist of the Revolution," who hastened to lay the matter before Congress. That body promptly made provision for raising another army for frontier service.

WAYNE'S VICTORY—TREATY OF GREENVILLE.

General Anthony Wayne, of Revolutionary fame, was appointed to the chief command. He repaired to Pittsburg in June, 1792, and at once proceeded to raise an efficient, disciplined army. Recruiting and drilling continued at Pittsburg until December, 1792, when "Wayne's Legion," as the force was denominated, was removed twenty-two miles down the Ohio, and went into winter quarters at what has ever since been known as Legionsville. From there, on the 30th of April, 1793, the army began the descent of the Ohio to Fort Washington, where it remained under constant drill in Indian tactics until the 7th of the ensuing October, when it took up the line of march northward, and on the 13th reached Fort Jefferson on the Miami. Before Christmas, Wayne had erected Fort Greenville, on the present site of Greenville, Darke county, Ohio, and after discharging the Kentucky militia, 1,000 in number, went into winter quarters.

On the 24th of December a detachment was sent forward to the scene of St. Clair's defeat, thirty miles distant, where a fortification was erected and named

Fort Recovery. Here and at Fort Greenville the army remained until the summer of 1794. July 25 of that year it was joined by a force of 1,600 mounted men from Kentucky, commanded by General Charles Scott, and on the 28th Wayne's Legion, now numbering more than 3,000 men, moved forward. On the 8th of August it reached the junction of the Auglaize and Maumee rivers, where Fort Defiance was erected. Leaving a garrison here, the main army moved on, and on the 18th encamped on the present site of Maumee City, Lucas county, Ohio. Here was erected a baggage station, which was called Fort Deposit. The next day was spent in strengthening the works, and on the 20th the entire Legion was moved forward to attack the hostile tribes then concentrated in large force at the "Rapids of the Maumee," three miles below and on the same side of the river. The warriors, 2,000 in number, secreted in the woods and high grass, opened fire on Wayne's advance, which consisted of a battalion of mounted volunteers under Captain Price. The work for which years of preparation had been made was now to be performed. It was a struggle for race supremacy in the Northwest. Detachments of troops hurried forward over and around fallen timbers, which had probably been levelled by the whirlwind, hence the name of the battle-field—"Fallen Timbers." The battle soon became general. Scott's mounted Kentuckians bore down with resistless force upon the right flank of the enemy, while a charge in front drove the savages back at the point of the bayonet. It was discipline contending against savage daring, and soon the warriors who shot down St. Clair's army a few years before, were in full retreat, hotly pursued by the vic-

torious legions, and "Mad Anthony" was left in possession of the field.

The battle of "Fallen Timbers" completely broke the power of the savages in the Northwest and secured peace to the settlers on the frontier for a period of more than fourteen years. Indeed, it forever put an end to Indian warfare on the Virginia border. No more did the savage hordes visit the southern bank of the Ohio. The tomahawk and scalping-knife had finished their work on the hills and in the valleys of Western Virginia, and the pioneer henceforth dwelt in his cabin home without fear of savage fury.

Wayne's army returned to Fort Greenville, where it spent the winter, and there, on the 3d of August, 1795, the representatives of twelve Indian tribes signed articles of agreement "to bury the hatchet forever and restore all captives." This, known as the "Treaty of Greenville" or "Wayne's Treaty," was ratified by the United States Senate December 22, 1795.

CHAPTER XII.

BOUNDARY BETWEEN WEST VIRGINIA AND PENNSYLVANIA.

Western Limits of Virginia as first Defined—Charter of Maryland—Penn's Grant—Its Western Limits—Dispute between Pennsylvania and Virginia regarding the Same—Dividing Line between Maryland and Pennsylvania—Commissioners appointed to determine the Same—Mason and Dixon's Line—Its Western Extension—Slow Progress of the Same—Virginia's Protest—Her Constitutional Concession in 1776—Commissioners of Virginia and Pennsylvania continue Mason and Dixon's Line—Southwest Corner of Pennsylvania Determined and Marked—Origin of the Northern Panhandle.

ON the 10th day of April, 1606, King James granted to the London Company letters patent for all that territory in America called Virginia, "lying and being all along the seacoast, between four and thirty degrees of north latitude from the Equinoctial line, and five and forty degrees of the same latitude * * * * and the islands thereunto adjacent or within one hundred miles of the coast thereof." This charter, while it included the territory on the Atlantic coast from Cape Lookout on the coast of North Carolina to the present site of Eastport in Maine, was without a defined western boundary. Hence under it Virginia had no positive claim to the territory west of the Blue Ridge.

But this was corrected in the second charter, granted on the 23d day of May, 1609, by which the London Company was made a body politic, the limits and jurisdiction of which included "All those lands, countries and territories, situate, lying and being in that part of America called Virginia, from the point of land called

Cape or Point Comfort, all along the seacoast, to the northward *two hundred miles*, and from the said Point of Cape Comfort all along the seacoast to the southward *two hundred miles*, and all that space and circuit of land throughout, *from sea to sea west and northwest.*"

Here then is defined for the first time the western boundary of Virginia—"from sea to sea"—meaning from the Atlantic to the Pacific. Upon this charter Virginia based and maintained her claim to the Northwest Territory—a claim afterward recognized by both the Federal Government and the States formed within the said territory.

Her northern boundary was a line extending from east to west and situated "*two hundred miles*", north of Old Point Comfort, a northern point at the mouth of James river. This distance measured northward would extend north of the present site of Harrisburg, and thus include within the limits of Virginia a large part of the southern half of the present State of Pennsylvania. Here, then, Virginia rested her claim to what was afterward the disputed territory now included within the present counties of Washington, Green and Allegheny, Pennsylvania.

Thus Virginia's territorial limits remained until June, 1632, when Charles I. granted to Lord Baltimore all "that region bounded by a line drawn from Watkin's Point on Chesapeake Bay to the Ocean on the east; thence to that part of the estuary of the Delaware on the north which lieth under the fortieth degree where New England is terminated; thence in a right line by the degree aforesaid, *to the meridian of the fountain of the Potomac*; thence following its course by its farthest bank to its confluence."

This was the first example of the dismemberment of a colony and the creation of a new one within its limits. The planters of Virginia petitioned against this act of the Crown, but the Privy Council dismissed their appeal with the declaration "that Lord Baltimore should retain his patent, and the petitioners their remedy at law." Of this the Virginians never availed themselves. Thus was carved out of Virginia the present State of Maryland, the western boundary of which was determined on the 17th day of October, 1746, and marked by the planting of the Fairfax stone at what has ever since been recognized as the southwestern corner of that State. But the formation of Maryland in no way invalidated Virginia's title to the territory lying *west of "the meridian of the first fountain of the Potomac."*

A half century passed away and brought the year 1681, in which Charles II. granted to William Penn a charter for the present State of Pennsylvania. In this act the King's wishes were consulted rather than the chartered territorial limits of Virginia. The southern boundary of Penn's Province was declared in his patent to be a line extending from the Delaware river *five* degrees west. It seems that it was thought that this western extension of Penn's grant would be coequal with that of Lord Baltimore, and that the same meridian would mark the western limit of both. Had such been the case, and had a better knowledge of the geography of the country prevailed at that time, Virginia would have exercised jurisdiction in the Monongahela Valley, and Pittsburg would to-day be the metropolis of West Virginia.

So long as the country remained a wilderness, the question of jurisdiction was of little importance. But

no sooner did the frontiersmen begin to build their cabins along the banks of the Monongahela than disputes arose between Virginia and Pennsylvania regarding the right of possession. Pennsylvania claimed it under Penn's patent, while Virginia based her title upon her chartered boundaries of 1609. Both colonies issued patents for lands situated within the disputed territory, and both appointed Justices of the Peace for the same. Pennsylvania arrested those appointed by Virginia and imprisoned them at Carlisle, while Virginia found quarters for those appointed by Pennsylvania in the jails at Winchester and Staunton.

Meantime, while the dispute between Virginia and Pennsylvania regarding the western boundary of the latter continued, another difficulty arose, in which, however, Virginia was an uninterested spectator. This was the question of boundary between the proprietary rights of the heirs of Lord Baltimore and those of William Penn. Both colonies appointed commissioners, who met at New Castle in November, 1760. They appointed surveyors, two on the part of each colony, who were for three years engaged in an effort to find the western line of Delaware for the purpose of making it a tangent to the circle, the centre of which was the court house at New Castle, Delaware. The proprietors, wearied of the slow progress, in August, 1763, secured the services of Charles Mason and Jeremiah Dixon, two eminent surveyors of London, both of whom arrived in America in November following. On Cedar (now South) street, Philadelphia, they erected an observatory to enable them to ascertain the latitude of that city. After various calculations they determined the point and planted the stone, at which

begins the celebrated "Mason and Dixon's line." Slowly and carefully the surveyors proceeded westward, and on the 27th of October, 1765, they were on the summit of the North Mountain, ninety-five miles west of the Susquehanna river, and at the western terminus of the temporary line determined by the Penns and Baltimores in 1739. Here the work was postponed for the winter, but resumed early the next spring, and on the 4th of June, 1766, the surveyors were on the summit of the Allegheny mountains west of Wills' creek. Here the Indians—the Six Nations—forbade farther prosecution of the work, and here it rested until permission was obtained by treaty. This done, the work was continued in the summer of 1767, during which the surveyors reached the western limit of Maryland—"The meridian of the first fountain of the Potomac." Here the interest of the Baltimores ceased; but the surveyors pushed on, determined to find the western limit of Penn's "five degrees of longitude" from the Delaware. Onward continued the chain-bearers, rodmen, ax-men, commissioners, baggage-carriers, and servants, led by the London surveyors, until, at length, they reached a point near Mt. Morris, now in Green county, near the old Catawba war-path, where they were again stopped by the Indians, and here for fifteen years, Mason and Dixon's line terminated.

After passing the western limits of Maryland, Virginia protested loudly against the further extension of the line, claiming—and justly, too—that the western limit of Penn's "five degrees" would largely infringe upon her territory. Disputes between the frontiersmen of the two provinces continued, and so bitter had they

become that in 1774, a resort to arms seemed imminent. But now the Revolution came on, and Virginia and Pennsylvania forgot their differences regarding territorial boundaries and united in one common cause against one common enemy, and the frontiersmen who had so recently been engaged in almost deadly conflict marched side by side to the bloody fields of the Revolution.

In June, 1776, Virginia framed her first constitution, and in the twenty-first section of that instrument declared that "The territories contained within the charters erecting the colonies of *Maryland, Pennsylvania, North and South Carolina* are hereby ceded, released and forever confirmed to the people of those colonies, respectively, with all the rights of property, jurisdiction and government, and all other rights whatsoever which might at any time heretofore have been claimed by Virginia." Thus Virginia at last yielded her claim to that of which she had been deprived by royal mandate and against which she had protested for nearly a hundred years.

At length the Revolution was over, and Virginia and Pennsylvania, both elevated to the dignity of independent States, agreed to amicably adjust and settle all difficulties regarding boundaries. To perform this work Dr. James Madison and Robert Andrews were appointed on the part of the former, and Rev. Dr. John Ewing, George Bryan and David Rittenhouse on the part of the latter. The commissioners met at Baltimore, and in 1780, entered upon their work, that—according to the agreement of the legislatures of the two States—of extending Mason and Dixon's line five degrees of longitude west from the Delaware

river, and thence to the northern boundary of Pennsylvania. But again they were stopped by the Indians, and nothing was done for four years. Then a part of the commissioners repaired to Wilmington, Delaware, where they reared an observatory; the others journeyed west, and on one of the loftiest points of the Fish Creek hills erected another. Supplied with astronomical instruments, the parties, from their respective stations, for six weeks preceding the autumnal equinox of 1784, continued to observe such celestial phenomena as would enable them to determine their respective meridians. From the data thus obtained they determined the location of the *fifth meridian* west from the Delaware river, upon which they planted a square, unlettered, white-oak post, which, surrounded by a conical pyramid of stones, marked the *southwest* corner of Pennsylvania.

By this extension Virginia lost a large portion of Monongalia county, including the court-house of the same, and almost the entire area of Youghiogeny county, which Virginia had established by legislative enactment in 1776, and which thenceforth ceased to exist, the remainder being attached to Ohio county.

In 1784, Virginia ceded her northwestern territory to the General Government. This included all her possessions *beyond* the Ohio, leaving still in her possession the narrow strip lying between the western boundary of Pennsylvania and the Ohio river—that now designated as the northern “Panhandle” of West Virginia.

CHAPTER XIII.

CESSION OF THE NORTHWEST TERRITORY.

Virginia's Deed of Cession—The Conditions of the Same Recited—Extended Preamble—Agents on the Part of Virginia who Signed the Deed—Thomas Hutchins, Geographer of the United States—First Surveys North of the Ohio—The Ordinance of 1781—Virginia's Military Lands West of the Ohio—The Ohio Company of Associates—The Founding of Marietta, the Oldest Town in Ohio—Formation of Kentucky—Boundary between Same and West Virginia.

At the close of the Revolution, the extensive region designated as the Northwest Territory, stretching from the Ohio to the Mississippi, and bounded on the north by the Great Lakes, was claimed by Virginia, New York, Massachusetts and Connecticut. The smaller States, prominently Maryland, refused to sign the Articles of Confederation, fearing oppression in the future from the larger States, and at the same time asserted that the territory had been won by the blood and treasure of the whole country, and was therefore the property of the United States. The opposition on the part of Maryland led Congress to recommend the surrender of these territorial claims to the United States, and on the 10th of October, 1780, that body resolved that any territory thus relinquished should be disposed of for the common benefit of the United States, "and be settled and formed into distinct Republican States, which shall become members of the Federal Union."

The four States laying claim to the region northwest of the Ohio, acted upon the recommendation of the General Government, and hastened to relinquish their

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titles for the common good. New York was first, surrendering hers in 1781. The next was Virginia. The following is the Deed of Cession by which the State forever relinquished jurisdiction in the territory beyond the Ohio:—

DEED OF CESSION.

(Seal of the
U. S.)

TO ALL TO WHOM these presents shall
come ;

KNOW YE, that among the archives of the United States in Congress assembled, is lodged a deed or instrument in the words following :—

TO ALL WHO SHALL SEE THESE PRESENTS.

We, Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, the underwritten delegates for the commonwealth of Virginia, in the Congress of the United States of America, send greeting :—

WHEREAS, The General Assembly of the Commonwealth of Virginia, at their session begun on the twentieth day of October, one thousand seven hundred and eighty-three, passed an act, entitled "An act to authorize the delegates of this State in Congress to convey to the United States in Congress assembled, all the rights of this Commonwealth to the territory northwestward of the river Ohio," in these words following, to wit :—

WHEREAS, The Congress of the United States did, by their act of the 6th day of September, in the year one thousand seven hundred and eighty, recommend to the

several States in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the Union ; and whereas this Commonwealth did, on the 2d day of January, in the year one thousand seven hundred and eighty-one, yield to the Congress of the United States, for the benefit of the said States, all right, title and claim, which the said commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession: AND WHEREAS, the United States in Congress assembled have, by their act of the 13th of September last, stipulated the terms on which they agree to accept the cession of this State should the Legislature approve thereof, which terms, although they do not come fully up to the propositions of this Commonwealth, are conceived, on the whole, to approach so nearly to them, as to induce this State to accept thereof, in full confidence that Congress will, in justice to this State, for the liberal cession she hath made, earnestly press upon the other States claiming large tracts of uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of the Union: *Therefore*, Be it enacted by the General Assembly, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them, so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instruments in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in Congress assembled, for the benefit of the said States,

all right, title and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being, to the northwest of the river Ohio, subject to the terms and conditions contained in the before recited act of Congress of the thirteenth day of September last; that is to say, upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square or as near thereto as circumstances will admit: and that the States so formed shall be distinct republican States, and admitted members of the Federal Union; having the same rights of sovereignty, freedom and independence, as the other States. That the necessary and reasonable expenses incurred by this State, in subduing any British posts, or in maintaining forts or garrisons within, and for the defence, or in acquiring any part of, the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by Congress, one by this Commonwealth, and another by these two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expenses incurred by this State, which they shall judge to be comprised within the intent and meaning of the act of Congress, of the tenth of October, one thousand seven hundred and eighty, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be

protected in the enjoyments of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then Colonel, now General George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the post of Kaskaskies and St. Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place, on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterward divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good land on the southeast side of the Ohio, upon the waters of Cumberland river and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops, upon continental establishment, should, from the North Carolina line bearing in further on the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Sciota and Little Miami, and to the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for nor appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal

alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose and for no other use or purpose whatsoever. Provided, that the trust hereby reposed in the delegates of this State, shall not be executed unless three of them at least are present in Congress.

AND WHEREAS, the said General Assembly, by their resolution of June sixth, one thousand seven hundred and eighty-three, had constituted and appointed us, the said Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, delegates to represent the said Commonwealth in Congress for one year, from the first Monday in November the next following, which resolution remains in full force: NOW, THEREFORE, KNOW YE, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, by virtue of the power and authority committed to us by the act of the said General Assembly of Virginia, before recited, and in the name, and for and on behalf, of the said Commonwealth, do, by these presents, convey, transfer, assign, and make over, unto the United States, in Congress assembled, for the benefit of the said States, Virginia inclusive, all rights, title and claim, as well of soil as of jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being, to the north-west of the river Ohio, to and for the uses and purposes and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand

seven hundred and eighty-four, and of the independence of the United States the eighth.

TH. JEFFERSON, [L. S.]

S. HARDY, [L. S.]

ARTHUR LEE, [L. S.]

JAMES MONROE, [L. S.]

Signed and sealed and delivered in the presence of

CHAS. THOMPSON,

HENRY REMSEN, Junr.,

BEN. BANKSON, Junr.

IN TESTIMONY WHEREOF, the United States have caused their Great Seal to be affixed to this exemplification. WITNESS, Charles Thompson, esquire, their secretary and keeper of their Great Seal.

CHAS. THOMPSON.

In May, 1785, Congress passed an act defining the mode of surveying the public lands. Previous to that date, surveys were determined from arbitrary lines, such as water courses, mountain ranges and coast lines without reference to parallels or meridians. Under that act, the plan adopted was that submitted by Thomas Hutchins, of New Jersey, an officer in the Continental army. In 1778, Congress created the office of "Geographer of the United States," and Hutchins was appointed to fill it. He served in this capacity until the close of the war, winning distinction as a military engineer. In 1785, he received instructions to proceed to the north bank of the Ohio, at a point due north from the terminus of Mason and Dixon's line, and, after ascertaining the true meridian and parallel, to establish a "Geographer's Line," running

directly west through the territory. Hutchins, with several assistants, reached Pittsburg in the spring of 1786, and having previously assisted in determining the western Pennsylvania line, easily located the point at which he was to begin. Thence with compass and chain, he extended the Geographer's Line to the west forty-two miles, over the hills and across the valleys of what is now Columbiana and Carroll counties, Ohio, and terminated the same on the highlands near the southeastern corner of Starke county. Such was the first survey made within the limits of the Northwest Territory. Hutchins continued the work until April, 1789, when he died at Pittsburg, and with his death the office of Geographer of the United States ceased to exist.

As has been seen, Virginia, by her deed of cession, retained the lands lying between the Sciota and Little Miami rivers. This territory was later known as the Virginia Military District, and contained an area of six thousand five hundred and seventy square miles, or four million two hundred and four thousand eight hundred acres,—equal to one-sixth of the entire area of the present State of Ohio. In August, 1787, an office for the survey and location of these lands was established at Louisville, Kentucky, and the Virginia soldiers holding State land warrants, were allowed the quantity of land designated in the warrants, with permission to locate it in any part of the District not previously patented. This, as throughout the whole of what is now West Virginia, gave rise to almost endless litigation, for each one was permitted to select his own land and to locate the same by any natural boundary, however irregular it might be. As a consequence, great irregularities in township and county boundaries followed,

they being based on those of the patents. The surveys were so inaccurately made, that in order to locate the Little Miami river on official maps, it became necessary to run an east and west line through the District, near the parallel of Chillicothe, thus connecting the United States surveys east of the Sciota with those west of the Miami. Beyond this, nothing has ever been done to correct the irregular surveys, and it is not now probable that they will ever be changed. These titles have been the cause of more litigation than have all others in the entire State of Ohio.

The most important act of the last Continental Congress was the establishment of a settled government for the Northwest Territory. It was one of the most important laws ever enacted by the representatives of the American people. That vast domain had been conceded to the General Government by New York, Massachusetts, Connecticut and Virginia, and the next notable event was to be the founding of a new State within its limits. This was done by the Ohio Company of Associates, formed in 1786, and composed chiefly of officers and soldiers of the Revolution, whose homes were principally in New England. Its purchase—the terms of which were completed October 17th, 1787—embraced a tract of land containing about one and a half million acres. This was the second survey made within the present limits of Ohio, and was situated principally within the present boundaries of Washington, Athens, Meigs and Galia counties, in that State.

At a meeting of the directors of the Company, held November 23d, 1787, General Rufus Putnam was chosen superintendent. Early in December six boat builders and a number of other mechanics were sent

forward to Simrall's Ferry—now West Newton—on the Youghiogheny, under the command of Major Hatfield White. The party reached its destination in January, and at once proceeded to build a boat for the use of the Company.

Early in winter the pioneers left their New England homes and began the journey to other ones to be found in the Western wilderness. They passed over the Alleghenies and reached the Youghiogheny about the middle of February. The "Mayflower"—as the boat was called which was to transport the settlers to their destination—was forty-five feet long, twelve feet wide and of fifty tons burthen. All things were in readiness. The voyagers embarked at Simrall's Ferry, and passed down the Youghiogheny into the Monongahela, thence into the Ohio, and thence down that river to the mouth of the Muskingum, where they arrived April 7th, 1788, *and there made the first permanent settlement of civilized men within the present limits of Ohio.*

Their settlement was established upon a point of land between the Ohio and Muskingum rivers, just opposite and across the latter from Fort Harmar, built in 1786, and at the time of the coming of the colonists, garrisoned by a small military force under the command of Major Doughty. At a meeting held beneath the spreading boughs of the trees on the bank of the Muskingum, July 2d, 1788, it was voted that *Marietta* should be the name of the town, it being so called in honor of Maria Antoinette, Queen of France.

The territory now embraced within the limits of the State of Kentucky was long under the jurisdiction of Virginia. The origin of the word Kentucky, notwith-

standing it is said to signify "The Dark and Bloody Ground," appears to be involved in obscurity. Mann Butler, in his "History of Kentucky," p. 132, says that after inquiry among those familiar with the Indian languages, he is unable to learn its true meaning. The Kentucky river is called Cuttawa by Lewis Evans, on his map of the Middle Colonies, published at Philadelphia in 1755. In the articles of the Treaty of Greenville, in 1795, it is referred to as the "Kentucke."

The region now embraced within the State was organized as a county under the name of Kentucky, by an act of the Virginia Assembly in 1776, and such it continued until 1782, when by an act of the same body it was divided, and Jefferson, Fayette, and Lincoln—the parent counties of Kentucky—were formed from it. The former embraced that part of the old county which lay south of the Kentucky river, north of Green river, and west of Big Benson and Hammond's creeks; the second beginning at the mouth of the Kentucky river, extended up its middle fork to the source, and embraced the northern and eastern portion of the present State on that side of the Kentucky. The residue of the primitive county was called Lincoln. In 1783, an improvement of the Judiciary in this distant section of the State was directed by the General Assembly of Virginia, uniting the three counties into a Judicial District to be known as the "District of Kentucky." The first court for the same was organized at Harrodsburg on the 3d of March in the above-named year, with John Floyd and Samuel McDowell as Judges. John May was the first clerk, and Walker Daniel the first District Attorney.

But now the people began to dream of an inde-

pendent commonwealth, and soon action began to be taken to secure the desired result. On the 27th day of December, 1784, citizens from all the settled parts of the District met in convention at Danville, the temporary capital, and after having elected Samuel McDowell President and Thomas Todd Secretary, they resolved "in favor of applying for an act to render Kentucky independent of Virginia." In 1785, Nelson county was formed from that part of Jefferson lying south of Salt river. In 1786, Bourbon county was formed from Fayette and Mercer, and Madison from Lincoln, thus increasing the number in the District to seven.

Another convention met at Danville on the 8th of August, 1786, and resolved unanimously "that it is the indispensable duty of the convention to make application to the General Assembly at the ensuing session for an act to separate this District from the Government forever, on terms honorable to both and injurious to neither." Virginia heard the petition with favor, and the Assembly enacted that the people of Kentucky should frame for themselves a constitution, and that the authority of Virginia should cease so soon as Congress should admit the new State to the Federal Union. Kentucky at once elected John Brown a member of Congress. He was the only one that ever sat for Kentucky in that body under the old Articles of Confederation. He presented the petition of the people of the proposed State, but no action was taken until after the adoption of the Federal Constitution, when in 1792 Kentucky was admitted into the Union as the fifteenth State.

The boundary line soon after agreed upon is the

same as that now separating Kentucky and West Virginia. Friday, December 25th, 1795, the Virginia Assembly, by joint resolution, authorized the Governor to appoint commissioners to ascertain the said boundary, and requested the Governor of Kentucky to appoint similar ones to coöperate with them. On the part of Virginia, Governor Brooke appointed Archibald Stuart, General Joseph Martin, and Creed Taylor; while the Governor of Kentucky named John Coburn, Robert Johnson, and Buckner Thurston on behalf of that State. These commissioners in the autumn of 1799, met at Cumberland Gap, now on the northern boundary of Tennessee, and began their work. In their report they declared the following to be the boundary between the two States: "To begin at the point where the Carolina, now Tennessee, line crosses the top of the Cumberland mountains, near the Cumberland Gap; thence northeastwardly along the top or highest part of the said Cumberland mountains, keeping between the head-waters of the Cumberland and Kentucky rivers, on the west side thereof, and the head-waters of Powell's and Guest's rivers and the pound fork of Sandy, on the east side thereof, continuing along the top or highest part of said mountain, crossing the road leading over the same at the Little Point Gap, where by some it is called the Hollow mountain, to where it terminates at the west fork of Sandy, commonly called Russell's fork; thence with a line to be run north fifty-five degrees east, till it intersects the other great principal branch (Tugg Fork) of Sandy; thence down the same to its junction with the west branch, and thence down main Sandy to its confluence with the Ohio." That part of the line between

the forks of the Sandy was to be determined by surveyors, and the commissioners selected Brice Martin and Hugh Fulton to do the work. They began at "a red oak, white oak, and two pines," marked "V. K."—Virginia and Kentucky—on each, standing on a high cliff, where Russell's fork of Sandy runs through the Cumberland mountains; thence with the said course to the said other fork (Tugg) of Sandy, eight thousand six hundred and forty poles to a poplar, black gum, and two spruce pines, each marked with the letters "V. K," trees along the said line having been marked with four chops in the form of a diamond. Both States accepted the boundary so determined, that formed by the Big Sandy being that which now separates West Virginia from Kentucky.

CHAPTER XIV.

WEST VIRGINIANS IN THE VIRGINIA CONVENTION OF 1788, WHICH RATIFIED THE FEDERAL CONSTITUTION.

Meeting of the Convention—Counties then existing within the present Limits of West Virginia—**Delegates from the Same**—General William Darke—General Adam Steven—Colonel John Stuart—Captain George Clendenin, the Founder of Charleston—Ebenezer Zane, the Founder of Wheeling.

SOON after the close of the Revolution it was seen that while the articles of confederation had bound the country together in time of war, they were not adapted to the new order of things; and for the purpose of forming "a more perfect union" the Federal Constitution was framed. Its firmest supporters were the men who had led the armies of the Republic, and achieved its independence.

The convention which assembled in Richmond in June, 1788, to ratify that instrument was composed of some of the most eminent men of Virginia. The names of Marshall, Madison, Monroe, Mason, Nicholas, Henry, Randolph, Pendleton, Lee, Washington, Wythe, Harrison, Bland, Grayson and others, shed a lustre on the deliberations of that august body which has never been surpassed in the annals of the old dominion.

Seven counties were then checkered on the map of that part of Virginia's western domain now included within the limits of West Virginia, and each had two representatives in that convention. These counties with their representatives were as follows :

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Berkeley.—William Darke and Adam Steven.
Greenbrier.—George Clendenin, John Stuart.
Hampshire.—Andrew Woodrow, Ralph Humphreys.
Harrison.—George Jackson, John Prunty.
Hardy.—Isaac Van Matre, Abel Seymour.
Monongalia.—John Evans, William McClerry.
Ohio.—Archibald Woods, Ebenezer Zane.

Of these representatives nearly all were distinguished pioneers, statesmen and soldiers. They belonged to a class of men of whom it was said: "They are farmers to-day, statesmen to-morrow, and soldiers always."

WILLIAM DARKE, one of the delegates from Berkeley county, was born near Lancaster, Pennsylvania, in 1736, and at the age of five years accompanied his parents south of the Potomac, where they reared their cabin home within four miles of the present site of Shepherdstown, now in Jefferson county. Here they were on the outermost bound of civilization, all to the west of them being an unbroken wilderness. Their nearest neighbor appears to have been Thomas Shepherd, the founder of Shepherdstown, and Robert Harper, whose name is preserved in that of Harper's Ferry. Here amid these solitudes young Darke grew to manhood. Nature made him a noble man; he was endowed with an herculean frame; his manners were rough; his mind strong but uncultivated, and his disposition frank and fearless. From infancy he was acquainted with "war's dread alarm," for, throughout his youthful years, he had listened to the recital of the bloody drama then being enacted on the Virginia and Pennsylvania frontiers. His familiarity with the story of savage warfare aroused in him a spirit of adventure

and daring, and he longed to engage in "struggle fierce and wild." The opportunity soon came. In the spring of 1755, General Braddock arrived at Alexandria, Virginia, with two thousand British regulars, and at once proceeded to Fort Cumberland, where he was joined by a regiment of Virginia Provincials, principally Valley men, one of whom was William Darke, then but nineteen years of age. Though in the thickest of the fight he escaped death at Braddock's defeat, and returned home, where for fifteen years he was engaged in defending the Virginia frontier from the incursions of the savages, in which he was associated with George Washington, George Rogers Clark, William Clark, Andrew Lewis and others whose names are prominent in frontier annals. When the Revolution came, Captain Darke hastened to join the patriot army, in which, because of meritorious service, he was soon promoted to the rank of Lieutenant Colonel. He, together with the greater part of his regiment, was taken prisoner at Germantown and detained on board of a prison-ship until November 1st, 1780, when he was exchanged and returned to his post in the army. During the following spring he recruited what was known as the "Hampshire and Berkeley Regiment," at the head of which he marched to Tidewater, Virginia, where he was actively engaged during the siege of Yorktown, at which place, October 19th, 1781, he witnessed the surrender of Cornwallis's army to the combined forces of America and France. Returning to his farm in Berkeley county, he continued his agricultural pursuits until elected to the Convention of 1788. He was an ardent Federalist and in that body voted for the ratification of the Constitution, despite the opposition, at the head of which was Patrick

Henry. How, at the head of the Second Virginia Regiment, he repaired to Fort Washington, and marched with St. Clair to the disastrous field on the banks of the St. Mary, has been elsewhere told. Stowed away in the archives of the War Department at Washington, deposited there during the administration in that office by General Knox, is a production in which is told a melancholy tale of sadness and woe. It is the official report of General St. Clair, written at Fort Washington after the return of the shattered army to that place, and bearing date November 9th, 1791. In it he says: "Colonel Darke was ordered to make a charge with a part of the second line, and to turn the left flank of the enemy. This was executed with great spirit and at first promised much success. The Indians instantly gave way and were driven back three or four hundred yards, but for want of a sufficient number of riflemen to pursue this advantage, they soon returned and the troops were obliged to give back in their turn." From the same sad recital we learn that Colonel Darke's Virginians made a second charge, not less gallantly performed, but with even more unfortunate results than the first. Of the Virginians who yielded up their lives on that fatal field, eighty are stated to have been from Berkeley county, one of the number being Captain Joseph Darke, the youngest son of the Colonel. From Fort Washington, Colonel Darke returned to Berkeley county, which he almost continuously represented in the General Assembly until his death, which occurred November 20th, 1801, when he found a grave near the spot where early in life he had found a home. Darkesville, in Berkeley county, and Darke county, Ohio, commemorate his name.

ADAM STEVEN, the other representative from Berkeley, was long prominent on the frontier. July 20th, 1754, he received a lieutenant-colonel's commission, and was placed in command of Fort Cumberland. Early the next year he raised a company in the Shenandoah Valley, with which he marched to the west with General Braddock, and participated in the battle of Monongahela. Returning, he commanded at Fort Cumberland until May, 1757, when that place was garrisoned by a detachment of Maryland troops, and Colonel Steven, at the head of two hundred Virginians, proceeded, by way of Alexandria and thence by water, to the coast of South Carolina, there engaging in an expedition against the Creek Indians, who were then allies of France. Later, he served with the rank of brigadier-general on the frontier of Virginia. He entered the Continental service at the beginning of the Revolution as colonel, commanding the Sixth Virginia Regiment. He rose rapidly in the scale of promotion, receiving a brigadier-general's commission September 4th, 1776, and that of major-general February 12th, 1777. He won distinction on the field at Brandywine, but was tried by court-martial on a charge of intoxication at the battle of Germantown, and being found guilty, was discharged from the army in 1778. Notwithstanding, he still retained the respect of the frontiersmen for whom he had rendered such valiant services, and they elected him to represent Berkeley county in the Convention of 1788. He died near Winchester, Virginia, in November, 1791, leaving a large landed estate, which was afterward the cause of much litigation.

JOHN STUART, one of the delegates from Greenbrier

county, was a distinguished representative of that Scotch-Irish stock that colonized the upper Valley of Virginia. He was born in Scotland in 1748, and came with his parents to Virginia when but four years of age. His father, David Stuart, was a partisan of the house of Stuart and a friend of Robert Dinwiddie, the Governor of Virginia, with whom he came to Virginia in 1752. John Stuart rose to the rank of colonel in the border wars, and was as brave a soldier as ever faced an enemy. In 1769, at the age of twenty-one, he came over the mountains and found William Hamilton planting the first acre of corn ever cultivated in the Greenbrier Valley. He halted near the present site of the town of Frankfort, in Greenbrier county, where, the next year, he reared his cabin as a Bethel over his first camping-spot in the wilds of West Augusta. He commanded a company at the battle of Point Pleasant, October 10th, 1744, and witnessed the murder of Cornstalk at the same place, November 10th, 1777. It was he who led the relief from Fort Savannah that saved Donnally's Fort at the time of the desperate attack upon it in 1778. Colonel Stuart was a man of culture and refinement, and for that day possessed an excellent education. It is to his "Memoirs" that we are indebted for much of our knowledge of the early settlements of the Greenbrier Valley.

GEORGE CLENDENIN, the other delegate from Greenbrier, born probably in Scotland about the year 1746. He was a prominent frontiersman, one long engaged in the Indian wars, and was a soldier in General Lewis's army, with which he participated in the battle of Point Pleasant. In 1774 Major Thomas Bullitt, for services during the French and Indian War, received a

patent for twelve hundred and forty acres of land, which he located on the Great Kanawha, at the mouth of Elk river. In 1786, Major Bullitt met George Clendenin in Richmond, and to him sold a portion of this land, including the site of the present city of Charleston. In 1788, George Clendenin, accompanied by his brothers, a sister and his aged father, Charles, removed to these lands and reared the *first* structure ever built within the limits of the present capital of West Virginia. It was a two-story, double-log building, and was bullet and arrow proof. It stood for nearly a century, and was long known in pioneer times as Clendenin's Fort. Kanawha county was organized in 1789, at which time George Clendenin furnished the books for the county, for which the court allowed him *nineteen hundred and twenty pounds of tobacco*. Here he continued to reside until 1796, when he removed to Marietta, Ohio, where he died in 1797. He was the father-in-law of Return Jonathan Meigs, Governor of Ohio.

EBENEZER ZANE, a delegate from Ohio county, was born in Berkeley county, October 7th, 1747, and there grew to manhood, among his associates being William Darke, William Crawford and Adam Steven. At the age of twenty-three, alone, he left the parental home. Journeying toward the setting sun, at length on a bright morning in June, 1770, he stood upon the high bank of the Ohio, just above the mouth of Wheeling creek, where he gazed upon the landscape of island, hill and river. The founder of a future city was upon the spot on which it was to be reared. Erecting a cabin, he remained one season on the Ohio, and then returning to Berkeley county, induced a few resolute friends to

accompany him. In the spring of 1772, he removed his family westward, but deeming it unsafe to take them to the Ohio, he left them at Redstone—now Brownstown, Pennsylvania—and in company with his brothers, Jonathan and Silas, proceeded to take possession of his rights on the Ohio. In the spring of 1773, he brought his family to his cabin, and at the same time was joined by several families from the South Branch of the Potomac. Thus was securely laid the foundation of the present city of Wheeling. His military services have been recited in connection with the siege of Fort Henry. He received various marks of distinction from the Colonial, State and National governments. During Dunmore's administration he was disbursing officer of the Western Military Department, and later, under the Commonwealth, held several positions of a civil character. In May, 1796, he was appointed by Congress to open the National road from Wheeling to Limestone—now Maysville, Kentucky—and the next year the work was satisfactorily performed. As a compensation for this service, he was permitted to locate three sections of land, one at the crossing of the Muskingum—now Zanesville, another at the crossing of the Hockhocking, where Lancaster now stands, and a third on the east bank of the Sciota, opposite Chillicothe. In addition to these estates, he became the possessor of large tracts of land in Western Virginia. He died in 1811, aged sixty-four years.

CHAPTER XV.

THE WEST VIRGINIA PIONEER.

The Pioneers—Their Code of Morals—Traits of Character—Themselves and their Sons in the War of 1812—Descendants in the Mexican War—Soldiers from what is now West Virginia, enlisted under the "Ten Regiment Act"—Roll of the Same.

"A moment and the pageant's gone;
The Red men are no more;
The pale-faced stranger stands alone
Upon the river's shore."

Paulding.

WITH the close of the eighteenth century, the storm of savage warfare which had raged upon the frontier of Virginia for three-quarters of a century passed away. The war-whoop of the barbarian was no longer heard among the hills of West Virginia, and the valleys were dotted with cabins, the homes of as hardy a race as ever braved the perils of pioneer life. Now they went forth to another conquest, not with the rifle, but with the axe to conquer the wilderness, thus insuring to themselves and their posterity a rich inheritance. What else could have brought them? They were hundreds of miles from the marts of trade, and almost entirely isolated from society. Yet these men carved out a society of their own, and established a code of morals as rigid as any known in older lands. The records of their first courts contain many entries showing indictments for Sabbath breaking and profanity.

They were as brave men as ever dared the dangers of forest life. Inured to toil and privation and accustomed to almost constant alarm of war, they developed a spirit of heroism and patriotism which was transmitted to their descendants. This is evidenced by their records in two wars—that of 1812, and the war with Mexico.

When the first came and Virginia called upon her sons to defend her soil from the foot of the invader, nowhere was it responded to with more alacrity than amid the hills and vales of Western Virginia. There was not a mountain, a river, a valley of the West that did not send representatives to the field. From the summits of the Alleghenies to the shores of the Ohio, men mounted their horses, strapped on their knapsacks, shouldered their arms and turned their faces from home. There was no distinction of the rich from the poor. Gentlemen who had occupied conspicuous places in our halls of legislation, the plowman fresh from the fallowed field, officers, soldiers, citizens, all went with one accord. In a fortnight after the call to arms, fifteen thousand men were encamped within sight of Richmond, among them the largest body of cavalry—horsemen from the west side of the Blue Ridge—that, up to that time, had ever been reviewed on the Continent. There were too many, and in one morning one thousand of them were discharged and ordered to return home. On their way over the Blue Ridge, they met whole companies still marching to the East, and their course was only stopped when the Briton had gone and all danger was past.

But not only to the seaboard did these pioneers and their sons hasten. Nearly a regiment of West Vir-

ginians marched to the West and served under General Harrison on the Maumee. There they assisted in the erection of Fort Meigs and participated in the battle of the River Raisin.

When the Mexican minister, as the representative of his government, officially notified Congress that in the event of the passage of the bill providing for the admission of Texas into the Union, war would follow, his declaration attracted but little attention. But when General Santa Anna equipped an army and began his march toward the Rio Grande, at the same time declaring to the excited populace of the capital of the Montezumas, that before his return he would water his horse in the Potomac river, the Americans realized the truth of the declaration made by the minister before leaving Washington. The declaration of war came, and Virginia, as ever before, was ready. Her military chieftains of a later day, then but novices in the profession of arms, hastened away to study the science of war on the table-lands of Mexico. Among these were Stonewall Jackson, A. P. Hill, and others who won distinction in after years, when Virginia's soil drank the blood of her sons, arrayed against each other in deadly strife.

Under the "Ten Regiment Act" of Congress, a company was enlisted in Western Virginia, in which it is believed every county bordering on the Ohio was represented. It rendezvoused at Guyandotte, in Cabell county, and thence proceeded to Newport Barracks, where it was mustered into service and attached to the Eleventh United States Infantry, Colonel Ramsey commanding. Proceeding to New Orleans, it landed with General Scott at Vera Cruz, and marched

with the advancing columns to the City of Mexico. In addition to these, others went from what is now the interior counties of the State, some of whom served in a company from Staunton, others in a company enlisted at Christiansburg, Virginia.



PIONEER HOME ON GREENBRIER RIVER.

CHAPTER XVI.

INTRODUCTION OF STEAM NAVIGATION ON WEST VIRGINIA WATERS.

Nicholas Roosevelt sent by Robert R. Livingston and Robert Fulton, to Survey the Ohio—Building of the first Steamer at Pittsburg—Prophetic View of Steam Navigation on the Western Waters—The Steamer "New Orleans" the first on the Ohio—Her Experimental Voyage—Arrival at New Orleans—First Steamboat on the Great Kanawha—First to Reach Charleston—First to Reach Morgantown—First that Reached Elizabeth, on the Little Kanawha—Second to Reach the same Place.

THE complete success attending the experiments in steam navigation on the Hudson and adjacent waters previous to 1809, turned the attention of its principal projectors to the idea of its application on the western waters. In the month of April of the last named year, Nicholas Roosevelt, a civil engineer of New York, pursuant to an agreement with Robert R. Livingston and Robert Fulton, passed over the mountains to Pittsburg for the purpose of ascertaining whether the Ohio admitted of steam navigation. At that time but two steamboats—the "Clermont" and the "North River"—were afloat on American waters, both of which were running on the Hudson. Roosevelt descended the river from Pittsburg to its mouth, and reported to his employers the feasibility of the project.

Early in the spring of 1810, under the supervision of Roosevelt, the building of the first steamboat on the Ohio was begun at Pittsburg. While the work was in progress, the author of the "Navigator" was prepar-

ing his work in that town, at which place it was published in 1811. Speaking of the building of the first steamboat and the probable success of the enterprise, he says :—

“It will be a novel sight, and as pleasing as novel, to see a huge boat working her way up the windings of the Ohio, without the appearance of sail, oar, pole, or any manual labor about her—moving within the secrets of her own wonderful mechanism, and propelled by power undiscoverable. This plan, if it succeeds, must open to view flattering prospects to an immense country, an interior of not less than two thousand miles of as fine a soil and climate as the world can produce, and to a people worthy of all the advantages that Nature and art can give them ; a people the more meritorious because they know how to sustain peace, and live independent among the crushing of empires, the falling of kings, the slaughter and bloodshed of millions, and the tumult, corruption, and tyranny of all the world beside. * * * * Indeed, the very appearance of the placid and unbroken surface of the Ohio invites to trade and enterprise ; and from the canoe, which the adventurer manages with a single pole or paddle, he advances to a small square ark-boat, which he loads at the headwaters with various wares, liquors, fruits, dry goods and small groceries, and starts his boat for the river traffic, stopping at every town and village to accommodate the inhabitants with the best of his cargo. This voyage performed, which generally occupies three months, and the ark sold for half its first cost, the trader returns doubly invigorated, and enabled to enlarge his vessel and cargo, he sets out again ; this is repeated until, perhaps, getting tired of this mode of

merchandising, he sets himself down in some town or village as a wholesale merchant, druggist, physician, or lawyer, or something else that renders him respectable in the eyes of his neighbors, where he lives amid wealth and comforts the remainder of his days—nor is it by any known that his fortune was founded in the paddling of a canoe, or trafficking in apples, cider-royal, peach brandy, whiskey, etc. From the canoe we now—1810—see ships of two or three tons burden, masted and rigged, descending the same Ohio, laden with the products of the country, bound to New Orleans, thence to any part of the world. And now the white sail of commerce is to give place to vessels propelled by steam.”

The work is completed. The steamer “New Orleans,” of three hundred tons burden and keel one hundred and thirty-eight feet, was launched at Pittsburg, and in March, 1811, left that place on her experimental voyage. Late at night on the fourth day she reached Louisville, having been but seventy hours descending upwards of seven hundred miles. The novel appearance of the vessel, and the rapidity with which it made its passage over the broad reaches of the river, excited a mixture of surprise and terror among the inhabitants along the banks, whom the rumors of such an invention had never reached. The unexpected arrival of the vessel before Louisville, on a still moonlight night, and the extraordinary sound which filled the air as the pent-up steam escaped from the valves, produced general alarm, and multitudes arose from their beds to ascertain the cause.

Proceeding, she experienced great danger, in which she was nearly lost, at New Madrid, during violent earthquake shocks at that place. She reached Natchez

in December, and for the first time took on freight and passengers, which she delivered in New Orleans a few days later. She then entered the New Orleans and Natchez trade and never returned to the Ohio. The following is subjoined from a statement made for the year 1812, by Captain Morris, who was one of her pilots.

"The boat's receipts for freight upwards has averaged the last year, \$700; passage money, \$900; downwards, \$300 freight, and \$500 for passengers. She performs thirteen trips during the year, which at \$2400 per trip, amounts to \$31,200. Her expenses are twelve hands at \$30 per month each, equal to \$4320; Captain's salary, \$1000; seventy cords of wood each trip, at \$1.75 per cord, equal to \$1586; total expenses being \$6906. It is presumed that the boat's extra trips for pleasure, or otherwise, out of her usual route, has paid for all the expenses of repairs; and with the profits of the bar-room, for the boat's provisions, in which case there will remain a net gain of \$24,294 for the first year. The owners estimate the boat's value at \$40,000, which produces an interest of \$24,000, and by giving \$1894 more for furniture, etc., we have a clear gain of \$20,000 for the first year's labor of the steamer "New Orleans." This is a revenue superior to any other establishment in the United States, and what is equally gratifying, arising out of a capital whose application is of singular benefit to the whole community, and particularly so as it respects the navigation of the western waters."

Because of the extensive manufacture of salt in the Kanawha Salines, steam navigation was soon introduced on the Great Kanawha river—it is believed before its introduction on any other tributary of the Ohio. In the

year 1819—the same in which the first steamship crossed the Atlantic—a steamboat which was little more than a barge with an engine placed upon it, called the Robert Thompson, ascended the Great Kanawha for the purpose of ascertaining whether it was navigable to Charleston. She ascended from Point Pleasant to Red House Shoals, which, after two days' effort, she failed to pass, and returned to the Ohio. Her officers reported the result of the voyage to the Virginia Assembly, and that body, in 1820, appropriated funds for the improvement of the river. The work, under the direction of John Bosser, began at Elk, Johnson's, Tyler's, and Red House Shoals, and continued for two years, when the funds were exhausted and the work was suspended for four years. In 1825 another appropriation was made and the contracts completed in 1828. The second steamboat on the Kanawha was the "Eliza," which succeeded in reaching Charleston in 1823. She was built at Wheeling for Andrew Donnally and Isaac Noyes, at a cost of \$35,000.

Before the year 1820, several steamers had ascended the Monongahela, but the first to reach Morgantown was the "Reindeer," on Sunday, April 29th, 1826.

The first steamboat on the Little Kanawha, that reached Elizabeth, the county seat of Wirt, was the "Sciota Belle," in the year 1842. She was built by Shanklin & Sons, at Parkersburg, and only made one voyage on the Little Kanawha. The second steamer to reach Elizabeth was the "Lodi," in 1847.

CHAPTER XVII.

THE BOUNDARY LINE BETWEEN MARYLAND AND WEST VIRGINIA.

The Claim of Maryland to a Portion of Virginia—Its Revival in 1832—Governor Floyd appoints Charles J. Faulkner a Commissioner on the Part of Virginia—His Historical Research—His Report in Full—Historical Value of the Same.

ABOUT the year 1830 Maryland set up a claim to a considerable tract of territory on the northwest border of Virginia—now the northern border of West Virginia—including a part of the Northern Neck. She urged the claim with much earnestness, and Governor John Floyd appointed Charles J. Faulkner, of Martinsburg, a commissioner to collect and embody testimony on behalf of Virginia, on this interesting question. He worked industriously for several months and then submitted the following report:

“MARTINSBURG, Nov. 6, 1832.

“SIR: In execution of a commission addressed to me by your excellency, and made out in pursuance of a joint resolution of the General Assembly of this State, of the 20th of March last, I have directed my attention to the collection of such testimony as the lapse of time and the nature of the inquiry have enabled me to secure touching ‘the settlement and adjustment of the western boundary of Maryland.’ The division line which now separates the two States on the west, and which has heretofore been considered as fixed

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by positive adjudication and long acquiescence, commences at a point where the *Fairfax Stone* is planted, at the head spring of the Potomac river, and runs thence due north to the Pennsylvania line. This is the boundary by which Virginia has held for near a century; it is the line by which she held in 1786, when the compact made by the Virginia and Maryland commissioners was solemnly ratified by the legislative authority of the two States.

“An effort is now made by the General Assembly of Maryland to enlarge her territory by the establishment of a different division line. We have not been informed which fork of the South Branch she will elect as the new boundary, but the proposed line is to run from *one* of the forks of the South Branch, thence due north to the Pennsylvania *terminus*. It is needless to say that the substitution of the latter, no matter at which fork it may commence, would cause an important diminution in the already diminished territorial area of this State. It will deprive us of large portions of the counties of Hampshire, Hardy, Pendleton, Randolph, and Preston, amounting in all to almost half a million of acres—a section of the commonwealth which, from the quality of its soil, and the character of its population, might well excite the cupidity of a government resting her claims upon a less substantial basis than a stale and groundless pretension of more than a century's antiquity. Although my instructions have directed my attention more particularly to the collection and preservation of the evidence of such living witnesses ‘as might be able to testify to any facts or circumstances in relation to the settlement and adjustment of the western boundary,’ I have consumed but a very

inconsiderable portion of my time in any labor or inquiry of that sort, for who indeed, now living, could testify to any "facts or circumstances" which occurred nearly a century since? And if such individuals were now living, why waste time in taking depositions as to these "facts," in proof of which the most ample and authentic testimony was taken in 1736, as the basis of royal adjudication? I have consequently deemed it of more importance to procure the original documents where possible, if not, authentic copies of such papers as would serve to exhibit a connected view of the origin, progress, and termination of that controversy with the crown, which resulted, after the most accurate and laborious surveys, in the ascertainment of these very "facts and circumstances" which are now sought to be made again the subject of discussion and inquiry. In this pursuit I have succeeded far beyond what I had any ground for anticipation, and from the almost forgotten rubbish of past years, have been enabled to draw forth documents and papers whose interest may survive the occasion which redeemed them from destruction.

To enable Your Excellency to form a just conception of the weight and importance of the evidence herewith accompanying this report, I beg leave to submit a succinct statement of the question in issue between the governments of Virginia and Maryland, with some observations showing the relevancy of the evidence to the question thus presented. The territory of Maryland, granted by Charles I. to Lord Baltimore in June, 1632, was described in the grant as "that region bounded by a line drawn from Watkin's point on Chesapeake bay to the ocean on the east; thence

to that part of the estuary of Delaware on the north which lyeth under the fortieth degree, where New England is terminated; thence in a right line by the degree aforesaid, *to the meridian of the fountain of the Potomac*; thence following its course by its farther bank to its confluence." (Marshall's "Life of Washington," vol. 1, chap. ii., pp. 78-81, 1st edition.)

It is plain that the western boundary of this grant was the meridian of the fountain of the Potomac, from the point where it cut the fortieth degree of north latitude to the fountain of the river, and that the extent of the grant depended upon the question, what stream was the Potomac? So that the question now in controversy grows immediately out of the grant. The territory granted to Lord Baltimore was undoubtedly within the chartered limits of Virginia. (See 1st charter of April, 1606, sec. 4, and the 2d charter of May, 1609, sec. 6, 1st Hen. Stat. at Large, pp. 58-88.) And Marshall says that the grant "was the first example of the dismemberment of a colony, and the creation of a new one within its limits, by the mere act of the crown;" and that the planters of Virginia presented a petition against it, "which was heard before the privy council—of England—in July, 1633, when it was declared that Lord Baltimore should retain his patent, and the petitioners their remedy at law. To this remedy they never thought proper to resort."

Whether there be any record of this proceeding extant, I have never been able to learn. The civil war in England broke out about ten years after, and perhaps the journals of the proceedings of the privy council were destroyed. Subsequently to this, we are informed by Graham, the planters, "fortified by the

opinion of eminent lawyers whom they consulted, and who scrupled not to assure them that the ancient patents of Virginia still remained in force, and that *the grant of Maryland, as derogatory to them, was utterly void*, presented an application to the parliament complaining of the unjust invasion which their privileges had undergone." ("Graham's History," vol. ii., p. 12.) But as the parliaments of those days were but the obsequious ministers of the crown, that application, it is presumed, likewise shared the fate of their former petition to the privy council.

The present claim of Maryland, then, must be founded on the supposition that the stream which *we* call the Potomac was *not*, and the stream now called the South Branch of the Potomac *was*, in fact, *the* Potomac intended in the grant to Lord Baltimore. I have never been informed which fork of the South Branch she claims as the Potomac—for there is a north and south fork of the South Branch—neither have I been able to learn what *is* the evidence, or kind of evidence, on which she relies to ascertain that the stream which is *now* called the *South Branch* of the Potomac, but which *at the date of the grant to Lord Baltimore* was not known at all, and when known, known for many years only as the *Wappacomo*, was *the* Potomac intended by Lord Baltimore's grant. For this important geographical fact I refer to the numerous early maps of the chartered limits of Virginia and Maryland, some of which are to be seen in the public libraries of Washington and Richmond.

The question which stream was the Potomac is simply a question which of them, if either, bore that name. The name is matter of general reputation.

If there be anything which depends wholly upon general acceptance, which ought and must be settled by prescription, it is this question: Which of these rivers was and is *the* Potomac? The accompanying papers, it is believed, will ascertain this fact to the satisfaction of every impartial inquirer.

In the twenty-first year of Charles II. a grant was made to Lord Hopton and others, of what is called the *Northern Neck* of Virginia, which was sold by the other patentees to Lord Culpeper, and confirmed to him by letters patent in the fourth year of James II. This grant carried with it nothing but the right of soil and the incidents of ownership, where it was expressly subjected to the jurisdiction of the government of Virginia. Of this earlier patent I believe there is no copy in Virginia. The original charter of James II. to Lord Culpeper accompanies this report, marked No. 1. They are both recited in the colonial statutes of 1736. ("1 Rev. Code," ch. 89.) The tract of country thereby granted was "all that entire tract, territory and parcel of land, lying and being in America, and bounded by and within the heads of the rivers Tappahannock, *alias* Rappahannock, and Quiriough, *alias* Potomac, the course of said rivers as they are commonly called and known by the inhabitants, and description of their parts and Chesapeake bay."

As early as 1729, in consequence of the eagerness with which lands were sought on the Potomac and its tributary streams, and from the difficulties growing out of conflicting grants from Lord Fairfax and the crown, the boundaries of the Northern Neck proprietary became a subject which attracted deep and earnest attention. At this time the Potomac had been but

little explored, and although the stream itself, above its confluence with the Shenandoah, was known as the Cohongoroota, or Upper Potomac, it had never been made the subject of any very accurate surveys and examinations, nor had it yet been settled, by any competent authority, which of its several tributaries was entitled to be regarded as the main or principal branch of the river. It became important, therefore, to remove all further doubt upon that question.

In June, 1729, the lieutenant-governor of Virginia addressed a communication to the lords commissioners of trade and plantation affairs, in which he solicits their attention to the ambiguity of the lord proprietor's charter, growing out of the fact that there were several streams which might be claimed as head springs of the Potomac river, among which he enumerates the Shenandoah, and expresses his determination "to refuse the suspension of granting of patents, until the case should be fairly stated and determined according to the genuine construction of the proprietor's charter." This was followed by a petition to the king in council, agreed to by the House of Burgesses of Virginia, in June, 1730, in which it is set forth, among other matters of complaint, "that the head springs of the Rappahannock and Potomac are not yet known to any of your majesty's subjects; that much inconvenience had resulted to grantees therefrom, and praying the adoption of such measures as might lead to its ascertainment to the satisfaction of all interested." Lord Fairfax, who, by his marriage with the only daughter of Lord Culpeper, had now succeeded to the proprietorship of the Northern Neck, feeling it likewise due to his grantees to have the question relieved from all further diffi-

culties, preferred his petition to the king in 1733, praying that his majesty would be pleased to order a commission to issue, for running out, marking, and ascertaining the bounds of his patent, according to the true intent and meaning of his charter. An order to this effect was accordingly directed by the king, and three commissioners were appointed on behalf of the crown, and the same number on behalf of Lord Fairfax. The duty which devolved upon them was to ascertain, by actual examination and survey, the true fountains of the Rappahannock and Potomac rivers. To enable them more perfectly to discharge the important trust confided to them, they were authorized to summon persons before them, to take depositions and affidavits, to search papers, and employ surveyors, chain-carriers, markers, and other necessary attendants. The commissioners convened in Fredericksburg, on the 26th of September, 1736, and proceeded to discharge their duties, by taking depositions, appointing surveyors, and making every needful and requisite preparation for the survey. They commenced their journey of observation and survey on the 12th day of October, 1736, and finished it on the 14th of December of the same year, on which day they discovered what they marked and reported to be the fountain of the Potomac river. Separate reports were made by the commissioners, which reports, with all the accompanying documents, papers, surveys, plans, etc., were, on the 21st of December, 1738, referred to the council for plantation affairs. That board, after hearing counsel, made a report on the 6th day of April, 1745, in which they state, "that having examined the several reports, returns, plans, and other papers transmitted to them by

the commissioners appointed on behalf of the crown, as likewise of Lord Fairfax, and having been attended by counsel on behalf of your majesty, as likewise of Lord Fairfax, and having heard all they had to offer there-upon, and the question being concerning that boundary which ought to be drawn from the first head or spring of the river Rappahannock to the first head or spring of the river Potomac, the committee do agree humbly to report to your majesty as their opinion, that within the words and meaning of the letters patent, granted by King James II., bearing date the 27th of September, in the fourth year of his reign, the said boundary ought to begin at the first spring of the South Branch of the river Rappahannock, and that said boundary be from thence drawn in a straight *line northwest to the place in the Allegheny mountains where that part of the Potomac river, which is now called Cohongoroota, first rises.* The Cohongoroota is known to be the stream which the Maryland writers term the *north branch* of the Potomac, which is recognized in Virginia, and described on all the maps and surveys which I have ever yet seen, as *the Potomac river*, from its first fountain, where the Fairfax Stone is located, to its confluence with the Shenandoah; there being, properly speaking, no such stream as the north branch of the Potomac." This report of the council for plantation affairs was submitted to the king in council on the 11th of April, 1745, and fully confirmed by him and a further order made, directing the appointment of commissioners to run and mark the dividing line agreeably to his decision thus made. Commissioners were accordingly appointed, who, having provided themselves with surveyors, chain-carriers, markers, etc., commenced their journey on the

18th of September, 1746. On the 17th of October they planted the *Fairfax Stone* at the spot which had been described and marked by the preceding commissioners as the true head spring of the Potomac river, and which has continued to be regarded, from that period to the present time, as the southern point of the western boundary between Maryland and Virginia. A joint report of these proceedings was made by the commissioners to the king, accompanied with their field notes, which report was received and ordered to be filed away among the records of his majesty's privy council. Thus terminated, after a lapse of sixteen years, a proceeding which had for its object, among other matters, the ascertainment of the *first fountain of the Potomac river*, and which resulted in the establishment of that "fact" by a tribunal of competent jurisdiction. This decision has now been acquiesced in for nearly a century; and all topographical description and sketches of the country have been made to conform to it. I say *acquiesced in*, for it is impossible to regard the varying, fluctuating legislation of Maryland, upon the subject, at one session of her General Assembly *recognizing* the line as now established (see compact of 1785, Session Acts of 1803, 1818, and others), at another authorizing the appointment of commissioners to *adjust* the boundary, as a grave resistance of its conclusiveness, or such a *continual claim*, as under the usages of international law, would bar an application of the principles of *usucaption* and *prescription*. (See Vattel, p. 251, Grotius, Lib. 2, cap. 4; Wolfius Jus. Nat., par. 3.)

Jurisdiction in all cases relating to boundaries between provinces, the dominion and proprietary gov-

ernment is, by the common law of England, exclusively vested in the *king and council*. (1 Ves. sen. p. 447.) And notwithstanding it may be a question of boundary between the crown and the lord proprietor of the province—such as that between Lord Fairfax and the crown—the king is the only judge, and is presumed to act with entire impartiality and justice in reference to all persons concerned, as well those who are parties to the proceeding before him, as others not parties who may yet be interested in the adjustment. (Vesey, *ib.*) Such is the theory and practice of the English constitution; and although it may not accord precisely with our improved conceptions of juridical practice, it is nevertheless the law which now must govern and control the legal aspect of the territorial dispute between Virginia and Maryland.

It does not appear by the accompanying papers that Charles Lord Baltimore, the then proprietor of Maryland, deputed an agent to *attend upon his part in the examination and survey of the Potomac river*. It is possible he conceived his interests sufficiently protected in the aspect which the controversy had then assumed between Lord Fairfax and the crown. Certain it is, that it nowhere appears that he ever considered himself aggrieved by the result of that adjustment. That his government was fully apprised of what was in progress, can scarcely admit of a rational doubt. For it is impossible to conceive that a controversy so deeply affecting not only the interests of Lord Baltimore, but all who were concerned in the purchase of land in that section of the country, and conducted with so much solemnity and notoriety, could have extended through a period of sixteen years without attracting the atten-

tion of the government of Maryland—a government ever jealous, because ever doubtful of the original tenure by which her charter was held. But had Lord Baltimore even considered himself aggrieved by the result of that settlement, it is difficult now to conceive upon what ground he would have excepted to its justice, or questioned its validity. Could he have said that the *information* upon which the decision was founded was imperfect? Or that the proceedings of the commissioners were characterized by haste, favoritism or fraud? This, the proceedings of that board, still preserved, would contradict. For never was there an examination conducted with more deliberation, prosecuted with more labor, or scrutinized with a more jealous or anxious vigilance. Could he have shown that some other stream *ought* to have been fixed upon as the true head spring of the Potomac? This, it is believed, is impossible; for although it may be true that the South Branch is a longer stream, it nevertheless wants those more important characteristics which were then considered by the commissioners, and have been subsequently regarded by esteemed geographers, as essential in distinguishing a tributary from the main branch of a river. (See Flint's Geography, vol. 2, p. 88.) Lastly, would he have questioned the *authority* of the crown to settle the boundaries of Lord Fairfax's charter without having previously made him a *party* to the proceeding? I have before shown the futility of such an idea. Besides, this would have been at once to question the authority under which he held his own grant; for Baltimore held by virtue of an arbitrary act of the second Charles. His grant was manifestly made in violation of the chartered rights of Virginia, and carried into effect not only with-

out the acquiescence, but against the solemn and repeated remonstrances of her government. Was Virginia consulted in the "dismemberment" of her territory? Was she made a party to that proceeding, by which, "for the first time in colonial history, one new province was created within the chartered limits of another by the mere act of the crown?" But the fact is, that Charles Lord Baltimore, *who lived for six years* after the adjustment of this question, never did contest the propriety of the boundary as settled by the commissioners, but from all that remains of his views and proceedings, fully acquiesced in its accuracy and justice. (See the treaty with the Six Nations of Indians, at Lancaster, June, 1744.)

The first evidence of dissatisfaction with the boundary as established, which the researches of the Maryland writers have enabled them to exhibit, are certain instructions from Frederick Lord Baltimore—successor of Charles—to Governor Sharp, which were presented by the latter to his council in August, 1753. I have not been able to procure a copy of those instructions, but a recent historian of Maryland, and an ingenious advocate of her present claim, referring to them, says, "His instructions were predicated upon the supposition that the survey might possibly have been made with *the knowledge and concurrence of his predecessor*, and hence he denies the *power* of the latter to enter into *any arrangement* as to the *boundaries* which could extend *beyond his life estate*, or conclude those in remainder. (See M'Mahon's History of Maryland, p. 53.)

What were the precise limitations of those *conveyances* made by the proprietors of Maryland, and under

which Frederick Lord Baltimore denies the power of his predecessor to enter into any arrangement as to the boundaries, which could extend beyond his life estate, I am unable to say—my utmost researches have failed to furnish me with a copy of them—but they were so far satisfactory to his lordship's legal conceptions, as to induce him to resist even the execution of a decree pronounced by Lord Hardwicke in 1750 (1 Ves. sen. pp. 444-46), upon a written compact as to boundaries, which had been executed by his predecessor and the Penns in 1732. To enforce submission to that decree, the Penns filed a bill of reviver in 1754, and after an ineffectual struggle of six years, Lord Baltimore was compelled with a bad grace to submit, and abide by the *arrangement* as to the boundaries which had been made by his predecessor. To this circumstance, in all probability, was Lord Fairfax indebted for his exemption from the further demands of the proprietor of Maryland. For Lord Frederick, no ways averse to litigation, had by this time doubtless become satisfied that the *power* of his predecessor did extend beyond his life estate, and might even *conclude those in remainder*. Be that as it may, however, certain it is that the records of Maryland are silent upon the subject of this pretension, from September, 1753, until ten years subsequent to the compact between Virginia and Maryland in 1785.

An opinion prevails among our most distinguished jurists, resting solely upon traditionary information, that about 1761 Frederick Lord Baltimore presented a petition to the king and council, praying a revision of the adjustment made in 1745, which petition was rejected, or after a short time, abandoned as hopeless.

If there ever was such a proceeding, I can find nothing of it in the archives of Virginia.

Be that as it may, it is certain that ever since 1745, Lord Fairfax claimed and held, and the commonwealth of Virginia constantly to this day, has claimed and held by the Cohongoroota, that is by the northern branch, as *the* Potomac, and whatever Lord Baltimore or his heirs and the State of Maryland may have *claimed*, she has *held* by the same boundary. There was no reason why Lord Fairfax, being in actual possession, should have controverted the claim of Lord Baltimore, or Maryland. If Lord Baltimore, or Maryland, ever controverted the boundary, the question must, and either has been decided against them, or it must have been abandoned as hopeless. If they never controverted it, the omission to do so can only be accounted for upon the supposition that they knew it to be hopeless. If Maryland ever asserted the claim—seriously asserted it, I mean—it must have been before the Revolution, or at least, during it, when, we all know, she was jealous enough of the extended territory of Virginia. *The claim must have had its origin before the compact between the two States, of March, 1785.* (1 Rev. Code, ch. 18.) We then held by the same boundary by which we now hold ; we held to what we called and now call the Potomac ; she then held to what we call the Potomac. Is it possible to doubt that this is *the* Potomac recognized by the *compact*? That compact is now forty-seven years old.

I have diligently inquired whether, as the Potomac above the confluence of the Shenandoah was called the Cohongoroota, the stream called the South Branch of the Potomac ever had any peculiar name, known to

and established among the English settlers—for it is well known that it bore the Indian name of Wappacomo. I never could learn that it was known by any other name but that which it yet bears, the South Branch of the Potomac. Now that very name of itself sufficiently evinces that it was regarded as a *tributary* stream of another river, and that river the Potomac: and the river of which the South Branch was the tributary, was regarded as the main stream.

But let us for a moment concede that the decision of the king in council was not absolutely conclusive of the present question; let us concede that the long acquiescence of Maryland in that adjustment has not precluded a further discussion of its merits; let us even suppose the compact of 1785, thrown out of view, with all the subsequent recognitions of the present boundary by the legislative acts of that State, and the question between the two streams now for the first time presented as an original question of preference;—what are the facts upon which Maryland would rely to show that any other stream, than the one bearing the name, is entitled to be regarded as the main branch of the Potomac? It were idle to say that the South Branch is the Potomac, because the South Branch is a longer or even a larger stream than the North Branch, which Virginia claims to hold by. According to that sort of reasoning, the Missouri above its confluence with the Mississippi is the Mississippi, being beyond comparison the longer and larger stream. The claim of the South Branch, then, would rest solely upon *its great length*. In opposition to this it might be said the Cohongoroota is more frequently navigable—that it has a larger volume of water—that *the valley of the South Branch is,*

in the grand scale of conformation, secondary to that of the Potomac—that the South Branch has not the general direction of that river, which it joins at right angles—that the valley of the Potomac is wider than that of the South Branch, as is also the river broader than the other. And lastly the course of the river and the direction of the valley are the same above and below the junction of the South Branch. (See letters accompanying this report, No. 26.) These considerations have been deemed sufficient to establish the title of the “father of waters” to the name which he has so long borne. (See History and Geography of Western States, vol. 2, Missouri.) And as they exist in equal extent, so should they equally confirm the pre-eminence which the Cohongoroota has now for near a century so proudly and peacefully enjoyed.

The claim of Maryland to the territory in question is by no means so reasonable as the claim of the great Frederick of Prussia to Silesia, which that prince asserted and maintained, but which he tells us himself he never would have thought of asserting, if his father had not left him an overflowing treasury and powerful army.

With this brief historical retrospect, presented as explanatory of the accompanying testimony, I will now lay before your excellency, in chronological order, a list of the documents and papers referred to in my preceding observations.

No. 1. Is the original grant from King James II. to Thomas, Lord Culpeper, made on the 27th of September, in the fourth year of his reign.

No. 2. Copy of a letter from Major Gooch, Lieutenant-governor of Virginia, to the lords commis-

sioners for trade and plantations, dated at Williamsburg, June 29th, 1729.

No. 3. Petition to the king and council, in relation to the Northern Neck grants and their boundaries, agreed to by the House of Burgesses, June 30th, 1730.

No. 4. The petition of Thomas, Lord Fairfax, to His Majesty in council, preferred in 1733, setting forth his grants from the crown, and that there had been divers disputes between the Governor and council in Virginia and the petitioner and his agent, Robert Carter, Esq., touching the boundaries of the petitioner's said tract of land, and praying that His Majesty would be pleased to order a commission to issue for running out, marking and ascertaining the bounds of the petitioner's said tract of land.

No. 5. A copy of an order of His Majesty in privy council, bearing date 29th of November, 1733, directing William Gooch, Esq., Lieutenant-governor of Virginia, to appoint three or more commissioners—not exceeding five—who, in conjunction with like number to be named and deputed by the said Lord Fairfax, are to survey and settle the marks and boundaries of the said district of land, agreeably to the terms of the patent under which the Lord Fairfax claims.

No. 6. Copy of the commission from Lieutenant-governor Gooch to *William Byrd*, of Westover, *John Robinson*, of Piscataway, and *John Grymes*, of Brandon, appointing them commissioners on behalf of His Majesty, with full power, authority, etc.

I have not been able to meet with a copy of the commission of Lord Fairfax to his commissioners; they were *William Beverly*, *William Fairfax* and *Charles Carter*. It appears, by the accompanying

report of their proceedings, that "his lordship's commissioners delivered to the king's commissioners an attested copy of their commission," which having been found, upon examination, more restricted in its authority than that of the commissioners of the crown, gave rise to some little difficulty, which was subsequently adjusted.

No. 7. Copy of the instructions on behalf of the Right Honorable Lord Fairfax to his commissioners.

No. 8. Minutes of the proceedings of the commissioners appointed on the part of His Majesty and the Right Honorable Thomas Lord Fairfax, from their first meeting at Fredericksburg, September 25th, 1736.

No. 9. Original correspondence between the commissioners during the years 1736 and 1737, in reference to the examination and survey of the Potomac river.

No. 10. The original field-notes of the survey of the Potomac river, from the mouth of the Shenandoah to the head spring of said Potomac river, by Benjamin Winslow.

No. 11. The original plat of the survey of the Potomac river.

No. 12. Original letter from John Savage, one of the surveyors, dated January 17th, 1737, stating the grounds upon which the commissioners had decided in favor of the Cohongoroota over the Wappacoma, as the main branch of the Potomac. The former, he says, is both wider and deeper than the latter.

No. 13. Letter from Charles Carter, Esq., dated January 20th, 1737, exhibiting the result of a comparative examination of the north and south branches of the Potomac. The north branch at its mouth, he

says, is twenty-three poles wide, the south branch sixteen, etc.

No. 14. A printed map of the Northern Neck of Virginia, situate between the rivers Potomac and Rappahannock, drawn in the year 1737, by William Mayo, one of the king's surveyors, according to his actual survey in the preceding year.

No. 15. A printed map of the course of the rivers Rappahannock and Potomac, in Virginia, as surveyed according to order in 1736 and 1737—supposed to be by one of Lord Fairfax's surveyors.

No. 16. A copy of the separate report of the commissioners appointed on the part of the crown.

I have met with no copy of the separate report of Lord Fairfax's commissioners.

No. 17. Copy of Lord Fairfax's observations upon and exceptions to the report of the commissioners of the crown.

No. 18. A copy of the report and opinion of the Right Honorable the Lords of the Committee of Council for Plantation Affairs, dated April 6th, 1745.

No. 19. The decision of His Majesty in council, made on the 11th of April, 1745, confirming the report of the council for plantation affairs, and further ordering the Lieutenant-Governor of Virginia to nominate three or more persons—not exceeding five—who, in conjunction with a like number to be named and deputed by Lord Fairfax, are to run and mark out the boundary and dividing line, according to his decision thus made.

No. 20. The original commission from Thomas Lord Fairfax to the Honorable William Fairfax, Charles Carter and William Beverly, Esqrs., dated 11th June, 1745.

Colonel Joshua Fry, Colonel Lunsford Lomax and Major Peter Hedgeman were appointed commissioners on the part of the crown.

No. 21. Original agreement entered into by the commissioners, preparatory to their examination of the Potomac river.

No. 22. The original journal of the journey of the commissioners, surveyors, etc., from the head spring of the Rappahannock to the head spring of the Potomac, in 1746. 4

This is a curious and valuable document, and gives the only authentic narrative now extant of the planting of the Fairfax Stone.

No. 23. The joint report of the commissioners appointed, as well on the part of the crown as of Lord Fairfax, in obedience to His Majesty's order of 11th of April, 1735.

No. 24. A manuscript map of the head spring of the Potomac river, executed by Colonel George Mercer of the regiment commanded in 1756, by General Washington.

No. 25. Copy of an act of the General Assembly of Maryland, passed February 19th, 1819, authorizing the appointment of commissioners on the part of that State, to meet such commissioners as may be appointed for the same purpose by the commonwealth of Virginia, to settle and adjust by mutual compact between the two Governments, the western limits of that State and the commonwealth of Virginia, *to commence at the most western source of the North branch of the Potomac river and to run a due north course thence to the Pennsylvania line.*

No. 26. Letters from intelligent and well-informed

individuals, residing in the country watered by the Potomac and its branches, addressed to the undersigned, stating important geographical facts bearing upon the present controversy.

There are other papers in my possession, not listed nor reerable to any particular head, yet growing out of and illustrating the controversy between Lord Fairfax and the crown; these are also herewith transmitted.

There are other documents again not at all connected with my present duties, which chance has thrown in my way, worthy of preservation in the archives of the State. Such, for example, as the original "*plan of the line between Virginia and North Carolina, which was run in the year 1728, in the spring and fall, from the sea to Peter's Creek, by the Honorable William Byrd, William Dandridge and Richard Fitzwilliams, Esqrs., Commissioners, and Alexander Irvine and William Mayo, Surveyors—and from Peter's Creek to Steep Rock Creek, was continued in the fall of the year 1749, by Joshua Fry and Peter Jefferson.*" Such documents, should it accord with the views of your Excellency, might be deposited with "The Virginia Historical and Philosophical Society," an institution of recent origin, yet founded upon the most expanded views of public utility, and which is seeking by its patriotic appeals to individual liberality to wrest from the ravages of time the fast perishing records and memorials of our early history and institutions.

With sentiments of regard, I am, very respectfully,
your obedient servant,

CHARLES JAS. FAULKNER.

To JOHN FLOYD, ESQ., *Governor of Virginia.*

CHAPTER XVIII.

WEST VIRGINIA'S CLAIM TO THE JURISDICTION OF THE OHIO RIVER.

West Virginia now Occupying the Position of Virginia—Ohio and Virginia attempt to settle the Disputed Question—Commissioners appointed on the Part of each State—Their Meeting at the National Capital—Their Failure to agree—Hon. George W. Thompson's Investigations Relative to the Subject—Text of his Report—Historical Review—Legal Deductions.

FOR almost a century the title and jurisdiction of Virginia to the Ohio river was a matter of dispute, and many were the opinions submitted by eminent lawyers respecting it. It had become customary with several members of Congress, and especially with Mr. Callamar, of the Senate, on all occasions when any line of discussion permitted it, to assail the title of Virginia to the territory northwest of the Ohio river. In claiming compensation for the services of Virginia in the Revolutionary war as bounties out of the lands of the United States, it was natural for the Representatives and Senators from that State to lay some important stress upon the grant of that large domain to the general government by Virginia. This was the occasion generally used by these men in Congress for the attack upon the title of the "Mother" of the great States created out of that vast territory, though the assaults were not always confined to such opportunities.

The political and legal questions relating to the
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jurisdiction of Virginia over this river depended in an important degree on the validity of the title of Virginia to the lands beyond the Ohio river.

In order that an equitable and satisfactory solution of the vexed question might be reached, the two States of Ohio and Virginia in 1848 appointed a commission consisting of three members from each, the duty of which was "to settle all questions of boundary between the two States." Those appointed by Ohio were Hon. Thomas Ewing, John Brough, and James Collier; those named by Virginia were Messrs. William C. Rives, William Greene and George W. Thompson. These gentlemen met in the city of Washington in the early part of January, 1848, and adjourned on the 26th of the same month without having agreed upon terms of adjustment.

West Virginia now stands in the place of Virginia as to all questions depending upon that title and involving the jurisdiction over more than 200 miles of the course of that river. George W. Thompson, the last-named commissioner on the part of Virginia, made a very thorough and extended examination of the subject and published the result of his researches in the April number—1848—of the *Southern Literary Messenger*. Because of its historical value and its inaccessibility to West Virginians, we reproduce it entire.

HISTORICAL REVIEW.

"On the 23d of May, 1609, James I., as king of England, granted by letters patent an extension of what may be called the corporation of Virginia. The

limits and jurisdiction of this corporate body included "all those lands, countries and territories situate, lying and being in that part of America called Virginia, from the point of land called Cape or Point Comfort, all along the seacoast to the northward, two hundred miles, and from the said point of Cape Comfort, all along the southward, two hundred miles, and all that space and circuit of land throughout, from sea to sea, west and northwest." (1 Henning, 88.) This was the description of the territorial limits. A form of government was ordained, the executive and legislative authority was prescribed, crimes were to be punished, contracts enforced, census to be taken, and the entire organism of a colonial government was defined. ("Instructions to Governor Wyatt, 1621." 1 Henning, 114, *et seq.*) Its boundaries and its jurisdiction were prescribed. The corporation had a legal existence; its jurisdiction was commensurate with the limits of its grant. Whatever right belonged to or was asserted by the crown of England vested in the corporation; soil and sovereignty both passed. At the Trinity term of the Court of King's Bench, 1624, the corporation was dissolved by the judgment of that court. The legal existence of the corporation as a monopoly then ceased, and at the same moment the political existence of the colony of Virginia commenced, and continued uninterruptedly to its independence. The corporation was dissolved, but this made no change in the political condition of the people. All the elements of government which had been granted to the corporation or developed by it, in the execution of powers necessary under the condition of things, were continued to the colony. From 1630 to 1642, a period of twelve years;

there remain the partial records of sixteen legislative assemblies (1 Bancroft, 199, n.), and subsequent to the judgment of dissolution these assemblies had been convened and were in correspondence with the throne, and their continuance is the evidence of their recognition (1 Henning, 134); and expressly recognized by the proclamation of George III., who guaranteed to the subjects of the new colonies, acquired by the treaty of 1763, the same institutions as existed in the other colonies. (7 Henning, 663.) The colony of Virginia was in existence; it had merely passed from the condition of a proprietary to that of a provincial or crown colony. The corporation of Virginia was, by the act of the crown, transmuted into the colony of Virginia, and by the act of transmutation the limits of territory and jurisdiction were not altered. The colony succeeded to the authority, territory and jurisdiction of the corporation. It became a crown colony, subject only to express limitations, by the crown, of its territory and jurisdiction. And to the extent of such express restrictions was it limited, and Virginia, as a colony and as a State, has recognized all such *known* grants in the charters of Carolina, Maryland and Pennsylvania.

The claim of the crown embraced all the parallels of latitude through to the South or Pacific sea. This claim could only be maintained under the laws of nations, by possession of some kind. (Vattel, b. 1, c. 18, sec. 207.) The colony of Virginia was now the only *political* organization on the continent in virtue of which Great Britain could claim any possession of the country. Virginia represented the crown upon the continent; her political possession extending to the

possession and claim of the crown, except in the subsequent cases of expressed grant and limitation by the crown to other colonies or proprietaries. As the delegated authority of the crown upon the continent, it was, in virtue of that relation, the occupant under the crown to the extent of the crown claim. The extent of that claim and the title of England will appear as we progress.

Carolina on the south, Maryland and Pennsylvania on the north, limited the territory of Virginia. New York had no existence, and no jurisdiction could vest in her; she was conquered from Holland in 1663. Then Virginia was not limited farther than as above stated by any crown grants of its adjacent territory, and before the establishment of New York as a distinct and separate crown colony, the grant to Pennsylvania, bounded on Lake Erie, excluded her from the west, and that colony was interposed between New York and the valley of the Mississippi. When, subsequently, New York was created a proprietary colony and her bounds came to be definitely understood, they were defined by the English historian with apparent accuracy. "From forty-one degrees, forty minutes on Delaware river, New York runs twenty miles higher on Delaware river to the parallel of forty-one degrees latitude, which by Pennsylvania royal grant, divides New York from the province of Pennsylvania. Upon this parallel New York is supposed to extend west to Lake Erie; and from thence along Lake Erie and along the communicating great run of water from Lake Erie to Lake Ontario." (Wynne's *Br. Emp. in America*, vol. 1, p. 171. London, 1770. Smith's *Hist. of N. Y.*, p. 14.) This description of the bounds of New York is

strengthened by "A new and accurate map of the British dominions in America according to the treaty of 1763, divided into the several provinces and jurisdictions, projected upon the best authorities and astronomical observations." (Map to Knox's War in America, vol. 1. London, 1769. See also Map in Russ. Hist. of America. London, 1778, vol. 2, p. 172 and title page.) New York has her southwest corner resting upon Lake Erie and Pennsylvania interposed between her and the west. But yet New York is not in existence. Then, that Virginia was limited farther than as above stated, must be repeated. She had then a political existence. What were its powers? It represented the sovereignty of England; sold land and extinguished Indian title; in October, 1629, the Grand Assembly passed an "Appropriation and revenue law." (1. Henning, 142.) This Grand Assembly was never suppressed, and the colony continued to exercise jurisdiction over all persons and property within her limits. In 1652, upon the capitulation of the commonwealth, it was stipulated that the "People of Virginia," should have all the liberties of the freeborn people of England. (1. Bancroft, 223.) At the termination of the interregnum of English history, in 1660, Sir William Berkeley was elected governor of the colony, and acknowledged the validity of the acts of the Burgesses, of whom it was expressly enacted that "he do not dissolve this Assembly without consent of the major part of the House" (1. Henning, 530-1), and which Assembly exercised a very general, though limited power of legislation. At this time the population of Virginia had increased to 30,000 souls. Was the authority of the colony confined to the original members which

composed the corporation and to the soil actually settled by them at the time of the revocation of the charter, or did its jurisdiction expand with the population? Was her colonial sovereignty confined to the territory occupied by the original settlers, or did it expand with the new grants and occupancy of lands and the increase of population? Then, when and where was her authority over the expanding population and receding frontiers limited?

The feeble Richard grasped, but could not hold, the iron mace of Cromwell, and the 11th day of October, 1660, the restoration of Charles II. finds the "Grand Assemblie held at James Cittie in Virginia," and Sir William Berkeley His Majesty's governor. And from this time to the close of her colonial existence the "Grand Assembly" was regularly held. The character of its legislation, the objects to which it was devoted and the powers exercised, can only be fully realized by the perusal of its legislative enactments. Suffice it to say there was no suspension of legislative function, but that in 1666, the Burgesses assert, in reply to the royal governor, "that they conceive it their privilege to lay the levy in the house" (2 Henning, 254), and in 1670, define who shall have the right of suffrage (2 Henning, 280). In 1680, the same body passed a naturalization act, erected fortifications, and raised "a publique revenue for the better support of this His Majestie's colony" (2 Henning, 220, 255, 307, 433, 464). These are the acts of *quasi* sovereign authority exercised within and over the territory of the colony of Virginia, let that include what it may. They are the acts of sovereign ownership, in virtue of which only could Great

Britain claim the unseated lands appurtenant to this her colony.

They were essential to the perfection of her right by discovery, and her claim to the northwest. Who then shall define what this territory includes, or what acts of the colony or of the crown shall explain in any further degree the meaning of the original grant and jurisdiction conferred by James I.? No one certainly will deny that as the expanding population widened the limits of the frontiers the authority and the rights and privileges conferred by the laws of the colony accompanied such extension. This right of extension was coterminous with the bounds assigned to the colony; if no bounds were assigned, and the revocation of the charter repealed or dissolved the ancient limits, then the right of expansion by the colony was coexistent with the British Empire in America, except where crown grants with exclusive jurisdiction, limited that right of indefinite expansion. But the lease of Charles II. to Arlington and Culpeper will serve to explain the royal idea of what was contained in part in the bounds of Virginia. This lease, granted previous to 1680, leased "all that entire tract, territory, region, and dominion of land and water commonly called Virginia, together with the territory of Accomack and all that part of the bay of Chesapeake that lyeth betweene the same or any part thereof, and all other the rights, members, jurisdictions, and appurtenencies thereof, situate, lying, and being in America, adjoining to the colony and dominion of Maryland toward the north, to the great ocean towards the east, to the colony and dominion commonly called Carolina towards the south, and are bounded towards the west by a line

leading from the first spring of the great river commonly called Patawomack, to the first spring of the river Rappahannock, and from thence to the first spring of the great river of Powhatan, otherwise called James river, and from thence in a meridian line to the said colony or dominion called Carolina, as also all those other tracts, regions, dominions, and territories of land and water, situate, lying, and being beyond the uttermost adjacent limitts of Carolina aforesaid and the westerne limitts of the lands and countries hereby granted and the uttermost westerne limitts of Maryland, or any of them betweene about thirty-six degrees and one halfe and forty degrees of northerne latitude, to the great sea towards the west" (2 Henning, 517). This lease gave the lessee "full power, lycence, and authority" "to divide and subdivide the said regions, tracts, territories, and dominions into counties, hundreds, and parishes" (2 Henning, 573). On the 10th of May, 1680, Lord Culpeper, proprietary lessee as aforesaid, took his oath of office as governor of the colony (2 Bancroft, 246), and at the same time the council of the colony were inducted into office, the oath of office being substantially the same as that required in 1621, viz—"shall assist and defend all jurisdictions, preheminences, and authority granted unto his majestie and annexed unto the crown, against all foreigne princes, persons, prelates, and potentates whatsoever" (1 Henning, 119; 2 *Id.*, 568). The same "jurisdictions, preheminences, and authority" are now to be maintained by Virginia that were to be asserted by her in the early settlement of the country when England claimed the continent by virtue of the discovery of the Cabots. The authority of the colony

remains unlimited. The leasehold to Culpeper is distinct from the jurisdiction and duty of the colony.

It is not necessary to go into a critical examination of this grant; it conveyed a leasehold; it did not limit by any form of words the jurisdiction of Virginia, as a colony, over the territory embraced in the description of the charter of 1609, but gave Culpeper, in his own right, unlimited authority of sale, grant, division, and subdivision within the bounds assigned. The lease itself is particular and minute in its description, and the lands west are set forth with the same technical minutiae that the territory of Accomack is mentioned then, as now, known as a part of Virginia; its lands seated and its people represented in the Grand Assembly.

Now advert to the situation of the surrounding territory. Virginia was bounded on the south by a well-defined line in the crown-grant of Carolina to Lord Clarendon, and which was now governed as a proprietary colony under the constitution of the famous John Locke. (Story Con., b. 1, c. 14.) To the north, the grant to Cecelius Calvert conveyed the territory of Maryland. In 1671, the territory of the crown in the west was limited to the east and bounded by the five degrees of longitude granted to Pennsylvania. From this time forward all the territory of Great Britain north of the Carolina line and west of the Pennsylvania, was separated by well-defined limits from all the other colonies, and was in immediate connection, in a state of appurtenance, to the only crown colony on the continent. Virginia by her general laws, and by the oaths of her officers, was sustaining the "jurisdictions, preheminences and authority" of the crown. The authority of the proprietary colonies did not extend beyond their

limits; being private grantees, they could not touch upon the territory or jurisdiction of the crown. The proprietaries were limited in authority and jurisdiction to their special grants; the crown had its delegated authority in the colony of Virginia, and which, by virtue of the general authority, exercised by the governor and Grand Assembly; and by virtue of propinquity and of its being the only representative of the sovereign power in juxtaposition with this domain, was in virtual political possession of the territory in behalf of the crown. And this is fully sustained in the subsequent history of the colonies. (2 Henning, 566. The commission of Culpeper.)

Culpeper was an avaricious spendthrift. His administration was one of extortion and, beyond this, of neglect, and Virginia was "a province impoverished by perverse legislation." The Governor found a residence in the colony too irksome, and upon the "reported griefs and restlessness of the country," the grant to Arlington and Culpeper was reabsorbed in the possession of the crown, and the authority of Culpeper as Governor for life "was rendered void by a process of law." (2 Bancroft, 249.) All the authority theretofore exercised by the colony, and all the powers granted to Culpeper survived to and were executed by the colony.

Arlington reconveyed, and Culpeper was disfranchised and recalled. Virginia was dissatisfied with the improvident grant made to these men. She solemnly protested by an act of her Grand Assembly. (2 Henning, 511.) The agents of the colony visited England, and in behalf of the people and in support of the true interests of the crown, insisted on the resumption of these grants. And they insisted in no equivocal terms,

“that the power of granting the lands within the colony may reside in the Governor and Council as formerly,” that the people of Virginia shall “not be *cantonized* into parcels by grants made to particular persons;” they prayed for the “usual allowance of fifty acres of land for every person imported, which experience had proved so beneficial,” “that there shall be no tax or imposition laid on the people of Virginia, but according to their former usage by the Grand Assembly and no otherwise,” for that “*both the acquisition and defence of Virginia have been at the charge of the inhabitants,*” and for that “it is humbly conceived that if His Majesty deduce a colony of Englishmen by their own consent or license, or permit one to be deduced to plant an uncultivated part of the world, such planters and their heirs ought to enjoy by law in such plantation the same liberties and privileges as Englishmen in England, *such plantations being but in nature an extension or dilatation of the realm of England,*” “and to confirm the legislative power in the Grand Assembly.” (2 Henning, 511, 523, 524, 525, 527. 2 Burk’s App., 1.)

These requests were substantially approved by the Attorney-General and received the written sanction of the king. (2 Henning 529, 530, 531.) No charter issued, as was desired by the colonists, but Virginia remained dependent on the crown, exercising its sovereignty over the “extension and dilatation of the realm of England,” within the borders prescribed by the original charter, limited by subsequent grants as above mentioned, and gradually looking to “all that space and circuit of land throughout from sea to sea, west and northwest.” Those desirous of most thorough resolution of any doubt upon the general authority

and jurisdiction exercised by Virginia are referred to the legislative records of the colony, every page of which shows that its power was expanded with the population and its increasing wants. Every right claimed by the colonists in the negotiations with Charles II. was exercised by them. They were colonists, already exercising a special and independent authority as a colony for its own protection, its own internal government, and its own "dilatation," unlimited but by the bounds of Carolina on the South, Maryland and Pennsylvania on the north and northwest. (3 Henning 18, 84, 88, 99, 115, 119, 135, 205, 236, 250, 284, 304 to 333, for land law, 204, 268.)

The authorities cited in the last note bring us down to the year 1705. By the act of 1701 (3 Henning, 204 *et seq*), any quantity of land not under 10,000 nor over 30,000 acres, free from quit rents, public, county or parish levies, was granted to every certain number of men upon any of the frontiers of "this government," provided that for every five hundred acres so granted there "shall continually be kept upon the land one Christian man," etc. And by the act of 1705 (2 Henning, 468), exclusive authority for trade is proposed to be given on certain conditions to the discoverers of any town or nation of Indians "to the west of or between the Ap-
pulation (Allegheny) mountains." In 1710 and 1711, Governor Spotswood issued his proclamation "restraining settling on out-lands during this time of danger," and by his proclamation of 10th of June, a free trade with western Indians is regulated. (4 Henning, 446, 553.) The interdict of the Governor and the regulation of trade are alike acts of sovereign jurisdiction.

The French encroachments in the west now begin

to attract attention. And if the law of nations gave England no title by discovery, France gained nothing by her imperfect possession. The title set up by both nations was the title by discovery. This title on the part of England went back to the original discovery by the Cabots. France and England were the only nations claiming title. By the 15th article of the treaty of Utrecht, 1713, it was provided that "the subjects of France, inhabitants of Canada and elsewhere, should not disturb or molest in any manner whatever the five Indian nations which were subject to Great Britain, nor its other American allies." The right of Great Britain was here acknowledged by the only authority that had the slightest ground for contesting her title. England so understood it, and Virginia, representing the English sovereignty in her colonial capacity, acted on that understanding, and gradually "dilated" until she had pushed her actual possessions and grants of lands *northwest of the Ohio river*. Let the current of history be pursued.

False to her treaty engagements, France insidiously introduced her settlements into the west, which attracted attention and excited the alarm of the colonies. Governor Spotswood hoped to extend the line of the Virginia settlements "*far enough to the west* to interrupt the chain of communication between Canada and the Gulf of Mexico." He caused the passes of the mountains to be examined; desired to promote the settlements beyond them, and sought to concentrate within his province—Virginia—bands of friendly Indians. (3 Bancroft, 344.) In 1719 Pennsylvania pressed upon the attention of the Lords of Trade resistance to the encroachments of France, and counselled the establish-

ment *by Virginia* of a fort on Lake Erie. (3 Bancroft, 345. Smoll, Eng., c. 9, Geo. II. Id., c. 8, R. Geo. II. 1 Pitk. U. S., 139, 140.) The vigilance of Virginia in watching, protecting and securing the great western domain never slumbered. With true loyalty and allegiance, so propitious for this whole republic in its results that it looks like a decree of fate, she persisted in the claim of all that region for herself and the throne she represented. She was present at the treaty of Lancaster, in Pennsylvania, in 1744, where her commissioners—Governor Spotswood one of them—met the deputies of the Iroquois, who being united with the Tuscaroras, became known as the Six Nations, and who there executed, on the 4th day of July, a deed recognizing the king's rights to all lands that are or shall be by His Majesty's appointment in the colony of Virginia. (3 Bancroft, 355, 356.) To settle this fact more fully, let an extract from an old work, printed in Pennsylvania in 1751, now in the library of Congress, with the title "Delaware and Shawanese Indians," pp. 52, 53, testify: "The commissioners of Virginia after disputing the rights and claims of the Six Nations offer them a quantity of goods to the value of two hundred pounds, Pennsylvania currency, and two hundred pounds in gold, on condition they immediately make a deed recognizing the king's right to all the lands that are or shall be by His Majesty's appointment in the colony of Virginia. * * * Accordingly the deed was signed and everything settled to mutual satisfaction." Does this deed need confirmation? In 1752, Joshua Fry, Lunsford Loamax, and James Patton, commissioners in behalf of the colony, were appointed by the Governor of Virginia with instructions to obtain from the Indians *settled on the*

Ohio a confirmation of the Lancaster deed. On the 13th of June of that year the confirmation was given by these Indians in the very bosom of their forest domain. "The sachems and chiefs of the said Six Nations now met in council at Loggstown, do hereby signify our consent and confirmation of the said deed in as full and ample a manner as if the same was here recited." (Colony Titles, 25 to 26.) Whatever title existed in the Six Nations was transferred and vested in the colony of Virginia.

We have now reached the period of the French war, which terminated in the treaty of Fontainebleau or Paris, 1763. The historians of England, generally authoritative exponents of their public facts, describe Virginia as "watered on the north by the river Potowmack, which is the boundary between this and the colony last described—Maryland—having the Bay of Chesapeake to the east, bounded on the south by Carolina, and extending westward without any prescribed limits." And Edmund Burke gives a similar description. (Smoll., c. 9, R. Geo. II. Ed. Burke's Acct. of European Settlements in America, vol. 2, p. 207, London, 1765.) Sir R. Beverly's boundaries are in exact accordance as understood in 1722. An English author in 1770 thus describes Virginia: The country which still bears this name is now reduced to that tract which has the river Potomac on the north; the Bay of Chesapeake on the east, and Carolina on the south. To the westward the grants extend it to the South sea. (Wynne's Br. Em. in America, 2d vol., 213. Gordon Geog., An'd, 362. London, 1744.) In strict accordance with the historians are the geographers of England. No geographer confines Virginia at any time

previous to her own cessions to any line east of the Mississippi river. Kitchen, whose map is distinguished for extreme accuracy, makes Virginia's western and northern boundary rest on the Mississippi and Lake Erie, and defined "according to the treaty of 1763." (Knox's War in America.) Consult also the map in Russel's History of America, London, 1778, and the map to Tarleton's campaign, London, 1787. Such were the opinions of enlightened and scientific men of England as to the boundaries of Virginia. We have seen that she had the title of the native sovereigns. Having these titles she used and claimed the possession, and her exercise of this right precipitated the French war. The controversy between England and France produced various memorials, and in the French criminations they say "some English traitors passed the mountains of Virginia and wanted to carry on trade with the Indians on the Ohio, and the French took and carried them to France." (1 Pitk. U. S., 140.) In the journal of Washington, kept by him in his remarkable journey undertaken to the northwest, under the direction of Dinwiddie, Governor of Virginia, he says: "For the fort at the fork—now Pittsburg—would be equally well situated on the Ohio, and would have the entire command of the Monongahela, *which runs up our settlement*, and is extremely well designed for water carriage." (2 Mar. Wash. App., p. 2.) In 1752, the Ohio Company established a trading post on Loramie's creek, forty-seven miles north of the present site of Dayton, in Ohio. (Dill. Hist. Indiana, 67.) The first acts of hostility on the part of the French clearly indicate the possession and extensive establishment of Virginia west of the Appalachian mountains—west of the Ohio river.

"They—the French—surprised Loggstown, which the *Virginians* had built upon the Ohio; made themselves masters of the block-house and truck-house, where they found skins and other commodities to the amount of twenty thousand pounds, and destroyed all the British traders, except two, who found means to escape. At the same time M. de Contrecoeur, with a thousand men and eighteen pieces of cannon, arrived in three hundred canoes from Venango, a fort they had raised on the banks of the Ohio, and reduced by surprise a British fort which the *Virginians* had built on the forks of the Monongahela." (Smoll. Eng. c. 9, R. Geo. II. 2 Wynne, 25. Rus. Hist. of Amer., vol. 2, 375.) Virginia had acted in the spirit of the recommendation made by her coterminous neighbor in 1719. Loggstown was on the western side of the Ohio river (Col. Boquet's Relation Hist. contres les Indiens, 1764, p. 58, map. Mar. Wash., c. 11, p. 377. 7 Henning, 661.) The mass of wealth collected at this single point affords some proximate idea of the extensive use and appropriation of the territory northwest of the Ohio. The British construction of the treaty of Utrecht was carried into execution by Virginia. Where is Connecticut? Where New York with their post-belligerent claims? It was Virginia that built the forts; that planted the settlements; and erected the block-houses and truck-houses. Virginia, exercising the same elements of political authority which she exercised from 1609 to 1624, the period of her charter existence, extended her dominion and possession to "our settlement" on the Monongahela, to Loggstown and to Loramie's creek, in like manner as she planted the corner-stone of her first capitol in Williamsburg. The settlement of Utrecht was violated,

but vindicated by the treaty of Paris of 1763, which put an end to the usurpation of France over the territory in question. Of the independent nations of the earth there was, *now*, not one to question the validity of the English title, deduced from the discovery of the Cabots and confirmed by the two treaties and by Virginia's extinguishment of the Indian title and actual occupancy. Possession and title vested in the "English traitors" who crossed the mountains of Virginia.

The colony of Virginia was the only crown colony in immediate proximity and connection with the western domain. It was clearly included in the bounds of the original charter; no portion of it was ceded away by any subsequent grant which created any title recognized by the crown or enforced by the colonies, except so much as was included in the five degrees of longitude of Pennsylvania. The northwestern corner of Pennsylvania rested on Lake Erie; the southwest corner of New York had the *same* abuttal. (Delaware and Shawanese Indians map; Map to Russ. Hist. America; Kitchen's Map; 1 Knox War in America; Wynne's Br. Emp. in America, vol. 1., 171; Grant of C. II. to Duke of York; Smith's Hist. of N. Y., 14.) After the treaty of 1763, it became important and necessary for the crown to construct a colonial organization for the immense region maintained by that treaty. This was done by the royal proclamation of 1763, and the colonies of Quebec and East and West Florida were organized. (7 Henning, 663; 1 Pitk., 150.) No notice was taken of the territory under consideration. It is not mentioned; it is not referred to in the organization of the territories. Was this an oversight? was this forgetfulness? Was this enchant-

ing country still left to be the apple of discord between France and England? For the French, by the treaty, were left the masters and possessors of the western border of the Mississippi along its whole length. It was for the possession of this country that war was incurred. It was to maintain the British right to it that the war was prolonged, and the title to which was acknowledged by the treaty. The country was filled with traders; the British subjects were desirous of locating their trading establishments; the territorial and commercial value of this region, as well as its boundaries and the boundaries of Pennsylvania and New York, were well understood. Pennsylvania was *interposed* between it and New York. The common-law doctrine of title gave the possession to Virginia; the same doctrine repelled the possession of New York, and England's colonial and international law was then based upon her common law. All the other territory of England was partitioned off into colonies by this proclamation; and was this immense and valuable region left without law, without order, beyond all jurisdiction and beyond protection to the persons and property of traders and others? It was not assigned to any new jurisdiction; it was not set apart as a separate colony, and whatever ill-defined notions of the country may have existed in 1609, when the original charter was granted, did not exist when the proclamation of George III., in 1763, assigned all the surrounding territories to new jurisdictions, and left this country in the possession of the colony, which by regular dilata-tion, by its own political action and by the ministerial and military functions of its governors, had covered it with its jurisdiction and authority. (6 Henning, 355,

417, 435, 438, 453, 521; 7 Henning, 11, 116, 171, 252, 282, 370; I Rev. C., 38 n.) The references include the period from 1753 to 1763, and exhibit the control of Virginia dominion in every possible manner in which authority and jurisdiction could be at that time exercised—from legislative protection of settlers on the waters of the Mississippi to the building of forts and granting of lands northwest of the Ohio river. (Governor Dinwiddie's Proclamation, 1754; 7 Henning, 661.) The commencement of the war found Virginia exercising jurisdiction; this jurisdiction was continued during the war, and by the proclamation of 1763 was left undisturbed. Subsequently to the treaty of Paris, the Grand Assembly of Virginia continued its ordinary jurisdiction over the west. Creating counties, granting lands (military bounty lands to Washington and the officers and soldiers of the war of 1756, under authority of royal proclamation of 1763, relaxing the previous inhibition), protecting settlers, she had successively extended her borders and filled it with population, until, in 1776, she had organized the counties of Kentucky, Washington, Montgomery, Ohio, Monongalia and Yohogania, the county of Yohogania being subsequently merged into Pennsylvania, in 1785, by the ascertainment of her five degrees of longitude. In 1769 Fort Fincastle stood at the mouth of Wheeling creek; in 1770 the settlement at Grave creek was made, and in 1772 Kentucky was possessed. (Butler's History of Kentucky, 18, 20, 25, 30.) October 10, 1774, is memorable for the battle of Point Pleasant, at the mouth of the Great Kanawha. And here closes the history of the colonial dependence of Virginia; and one of her last acts, under the guidance of an English

governor, was the assertion of her protective and vindicatory authority over her territorial claim. In 1609 this colony commenced a feeble and precarious existence on the shore of Chesapeake bay; in 1774 that colony, vigorous and in the confidence of strength, in her own name and in the name of the majesty she represented, and as one of her last acts of allegiance, and clothed with that sovereignty which had accompanied her through her whole career, stood upon the banks of the Ohio, and waved her sceptre of dominion over the immense country which England, her kings, historians, geographers and legislators recognized as Virginia.

To conclude the view of this branch of the subject it must be borne in mind that the crown had not only a legal, but exercised an actual supervision over the legislation, orders in council as well as the proclamation of the governors. The crown was legally, and in fact cognizant of the actions of the colony. The proclamation of 1763 is evidence of this fact. The military land warrants granted to the officers and soldiers of Virginia, and authorized by the crown, covered the banks of the Ohio. Then here we claim the full value of the *principle* which maintains the title of Virginia under her charter, for, "such a solemn covenant, so concluded between a sovereign and his subjects, after being fully executed on their parts can never be revoked on his.

* * * The genius of English liberty evoked by this ever-enduring covenant, accompanied them whithersoever they might go in Virginia, as a guardian angel, to whose charge was especially committed the preservation of all their English privileges. It is false, then, to say that the colonists of Virginia could claim nothing under

the charters after the revocation of these charters in 1624." (2 vol., Rep. Com., 1 sess., 28, No. 457, p. 20.) Virginia claims the full benefit of the *principle*, that revocation of the charter could not annul vested rights, but what is of conclusive weight on this subject, she has the entire benefit of the *fact*. She was the crown colony exercising the political authority contained in her charter, with the knowledge of the crown, over the territory described in that instrument. She was the colony *de facto* of all this territory from 1624, limited as described. She was the colony *de jure*, by the assent of the crown, to her unintermitted claim and virtual possession through one hundred and fifty years.

July, 1775. The history of colonial dependence is past; the committee of public safety is appointed; the military force is organized; the oath is taken "in defence of the just rights of America against all enemies whatsoever," subject only to the "general convention or General Assembly of Virginia," and this is in July, 1775, styled in the records of Virginia the "Interregnum." (9 Henning, 13, 36, 49, 96, 101.) A convention is called to meet on the first Monday of May, and on the 29th of June, 1776, it was solemnly declared by that convention that "the government of this country as formerly exercised under the crown of Great Britain is *totally dissolved*." A new government was by the same act organized and its boundaries defined, and the authority of the *independent* State of Virginia, succeeded by her own sovereign act to all the rights of the colony, whether *de facto* or *de jure* as against the crown. Virginia was independent, with a constitutional boundary embracing all territory contained in her charter, east of the Mississippi, and except-

ing Carolina, Maryland, and Pennsylvania. She was in possession of the territory by her settlers, her arms and her laws. She had thrown off the allegiance of England, and in throwing off, her convention defined the soil which she claimed against the crown and against the world. The declaration of independence by the colonies was made more than a year after the actual independence of Virginia. Her title by revolution dates back to the time when she commenced the exercise of her sovereign powers. Virginia in her new State capacity took military possession of the northwestern country and erected it into the county of Illinois. She kept military possession of it, and the peace of 1783, found her the sole occupant of its wide domain. Did that peace acknowledge the independence of a nation or the freedom of confederated States? The former has never been pretended, and it is a fallacy to suppose for a moment that in fixing the boundaries of colonies, in concluding the terms of that peace, that the limits of Virginia, as defined by her charter and the treaty of 1763, as described by English historians, laid down by English geographers and as fixed by her constitution, were not the elements of adjustment in the direction west and northwest. That adjustment could not have been upon the boundary of Pennsylvania; that was limited to the five degrees of longitude. It could not have been the line of New York *proper*, for that had the northern line of Pennsylvania, and its southwestern corner rested on Lake Erie. It could not have been in virtue of the treaty of Fort Stanwix in 1768, for that *was a conveyance to the crown and not to New York*. It only extended to the south side of the Ohio. What title covered the northwest of that river?

What, then, is the title of Virginia? The discovery of the Cabots; the charter of 1609; the partial description as contained in the leasehold of Culpeper; the acknowledgment by France in the treaty of Utrecht; the grant of the Six Nations at Lancaster; the confirmation thereof at Loggstown; the treaty of 1763; the constant legislation of the colony; the actual granting and seating of lands to 1775, the era of Virginia independence; the military possession of the country by the colony in 1774; the assertion of boundaries in the constitution of June, 1776; the military and political possession of it by Virginia in pursuance of her unintermitted claim to the close of the war of the revolution; and lastly, the treaty of 1783, which confirmed the colonies in their ancient boundaries.

But the authority of international law has been invoked in the controversy. (Vattel, B. 1., c. 18, Sec. 203, 204, 205, 206, and n. to 207.) The law is good as a moral regulation and as a rule of construction. The practice and the policy of nations have established a different doctrine, that doctrine by which the United States held and holds Oregon without actual occupation; by which Russia held Siberia and holds Northwestern America, and Mexico the unsettled Californias; by which England holds Australia and the unexplored portions of Canada. There is not a commercial country, and scarcely any other of any extent and enterprise, which does not hold territory under the same title and tenure. The rule of the common law, which is in accordance with the practice of nations, is consistent with this usage. Where a nation has a definite claim by parallels of latitude or natural boundaries, and takes possession of a part, with such public acts

and avowals as to announce a clear intent to maintain the right to the whole, and has the capacity to appropriate and the ability to defend the same, the right follows the possession. Nor are nations, any more than individuals, confined to immediate and pressing wants. The wants of posterity cannot be limited by any practical rule, and hence the claim, the conflict and the success has been, perhaps yet is, the law of title over newly discovered countries. But the authorities cited are more conclusive against French than English title. England claimed by right of discovery; this right was recognized by our highest judicial tribunal as applying to this very territory—*Johnson vs. McIntosh* (8 Wheat. 543.) The colonies were founded on that right; their existence springs up out of it; they had no domain, except on the seashore, but by virtue of the recognition of this right; each sustained the right of the other; they were coterminous proprietors under the same authority to grant, and they, at best, cannot except the title. But discovery gives an inchoate right (Vattel, B. 1, c. 18, sec. 207); how far that right is made perfect in the longitude of an extensive country by actual occupancy of all the degrees of coast, which would embrace the country in dispute by parallels extended from the extreme points of latitude so possessed, back, it is needless to inquire under the circumstances of this case. England had the right which discovery gives and such possession gave. In the execution of that right, always insisted upon by her, always vindicated by the colony representing her authority, at all times recognized by the other colonies,—as Pennsylvania when she advised the building of a fort on Lake Erie,—England resisted actual pos-

session of the country by France; neither in fact, nor in virtue of the abstract law, nor in the practice of nations, had France acquired the eminent domain. The inchoate right of England was such as she could have granted; it was such as she could hold under the usage of nations, until her necessities required a more immediate use of the soil. It was such as she could have created into a separate jurisdiction, or which, by the very force of all analogous principles, as well as by legislative "dilatation," would fall in as appurtenant to the comprehensive jurisdiction already established by and through her. And the proclamation of 1763, settling the new order of things on this continent, so found and so left it.

The royal proclamation of 1763, inhibiting the grant of Western lands, is relied upon by the opponents of Virginia as confirming Virginia to the heights of the Alleghenies. It has already been shown that the military bounty lands of 1756 were granted by royal proclamation, from Wheeling creek to the Kanawha. This writer knows lands in the county of Ohio held under military warrant of George III. in 1774. These inhibitions were mere matters of internal police, and the references made in this article will show that they were adopted at various periods by the colony herself. But the argument is an old refuted Spanish pretension, now unworthy the use of any one who has any respect for the wisdom and the history of the past. It was met by Congress in 1780, "in answer to the extraordinary claim of the Spanish Court," and promptly refuted. "As to the proclamation of the king of Great Britain of 1763, forbidding his governors in North America to grant lands westward of the sources of the rivers fall-

ing into the Atlantic ocean, it can by no rule of construction militate against the present claims of the United States. That proclamation, as is clear both from the title and tenor of it, was intended merely to prevent disputes with the Indians and an *irregular* appropriation of vacant lands to individuals; and by no means either to renounce any parts of the cessions made by the treaty of Paris, *or to effect the boundaries established by the ancient charters.*" (2 Pitk. 514.)

In chronological order we now arrive at the claim of New York under the treaty of Fort Stanwix. It might be sufficient for Virginia to rest upon the treaties of Lancaster, 1744, and Loggstown, 1752, to show that whatever title the Six Nations had was conveyed to her in her *colonial capacity*. It is, however, only necessary to inquire into the character of the agent of the crown and the instrument executed to see what title New York took by this treaty. Sir William Johnson was general agent and superintendent of Indian affairs. The deed conveys "unto our sovereign lord, King George III., all that tract of land situate in North America," etc. Is this a conveyance to New York? Is this a transference or creation of jurisdiction? Does this extinguishment of Indian title and investment of the same in the crown *contract* Virginia to the top of the mountains and extend New York beyond the intervening State of Pennsylvania from the mouth of the Cherokee—Tennessee—along the south side of the Ohio to Fort Pitt? There are no facts to justify such conclusion, and imagination is feculent when it supplies such necessary and important data. The most elaborate investigation by the ablest counsel, in the great case of *Johnson vs. McIntosh*, sustained the title, by discovery and the right by colo-

nization, and rejected all claim acquired *merely* by purchase of the Indian title. The title *through* Virginia was maintained by this judicial decision. But still more conclusive is the fact that the Fort Stanwix deed *does not convey any portion of the territory northwest of the Ohio*. The boundary is from "the mouth of Cherokee river along the south side of the Ohio to Fort Pitt," and thence east—relinquishing Indian title of Western Virginia, if any existed, not to New York, but directly to the crown; George III., by his proclamation granting military bounties to the officers and soldiers of Virginia for their services and gallantry in the war of 1756, recognized this as Virginia. The title of Virginia was again confirmed by the treaty of Fort Stanwix a second time and by the proclamation of the king by which the soldiers and officers of Virginia were made the free possessors and defenders of the soil. Extinguishment of Indian title no more affected the rights and jurisdiction of the colonies than the thousand treaties with the Indians since affect the boundaries of States or destroy their jurisdictions—the very reverse of which is truth. This is indeed making "assurance doubly sure." Jew, I thank thee.

This view is strengthened by the act of the British Parliament of the 22d June, 1774, and the circumstances preceding, accompanying and succeeding that act (Am. Ar., 4 series, vol. 1, pp. 213, 214, 215). The colonies were at the time in a state of actual revolt. Dunmore was governor of Virginia, and England had already commenced her war policy. This very act of Parliament was pressed by the ministry as a leading measure for the suppression of the spirit and power of the colonies. It was the supreme act of the Parliament, indi-

cating *the lead* to further encroachments of the rights of the colonies. The Indian war which brought on the battle of Point Pleasant in the fall of that year was believed to have been provoked by Dunmore with a design to favor England and hostile to Virginia. He was suspected of treachery at the battle, and he did not wipe away the imputation by his subsequent conduct. He fomented boundary difficulties between Virginia and Pennsylvania. An instrument of disorganization between the States and a promoter of savage hostility on the frontiers, he but executed the purposes of the act of Parliament in separating the northwestern territory from Virginia and attaching it to Quebec, then the only loyal colony on the continent. That which had theretofore been done by proclamation of the king it now required the act of Parliament to consummate; to alter the boundary and take the territory of a colony which had the sanction of one hundred and fifty years of historical and legal prescription. Dunmore's policy was the most likely to effectuate the purposes of the crown, and the natural explanation of his conduct is, that it was the policy to embroil Virginia in a war with the Indians, and then, should the difficulties of the colonies with England terminate in hostilities, Virginia would be fully occupied on her front and the great domain of the northwest would be in the occupation of his majesty's allies, for the purpose of war—for the purposes of peace when the struggle was over, and the possession of these allies would give force to the claim of *uti possidetis*. The expedition of General George Rogers Clarke was the vindication of the Virginia claim to the full extent of her ancient limits. The act of the 20th June, 1774, is the first attempt of the crown or Par-

liament, for more than one hundred years, to interfere with the boundaries of this colony; and this was done upon the prospect of civil war, and when it was desirable on the part of England to attach the territory in question to the only colony on whose fidelity she could rely. The long acquiescence in the claim of Virginia and the attempt to snatch it from her possession on the eve of war, gives force to all the facts and presumptions in favor of the Virginia title. At the treaty of peace, England did not claim it as a fixed boundary, or if she did, it was not allowed her, and there was no argument to resist her claim except what arose out of the title of Virginia. And it is remarkable that the Fort Stanwix deed, if it availed to any purpose, would have availed to maintain the English title under that deed made to George III.

This sufficiently disposes of the pretended title of New York. The title of Connecticut is more readily settled by the proviso in her charter precluding any encroachment on the southern or Virginia colony, or upon lands then in the possession of any other Christian nation lying west of the Plymouth colony, 1661; New York charter, 1664; Pennsylvania, 1681, and their conflict was settled by the boundary run by royal commissioners in 1684, and which was assented to by all parties (Hubbard's Rep. 30; Rev. Saml. Peter's Hist. of Conn.). Pennsylvania was limited by her five degrees of longitude. New York, still beyond, had no title except to her grant bounded by the northern line of Pennsylvania; beyond this again was Connecticut with her royal and agreed boundary; and beyond this Massachusetts, limited alike by the colonial policy of the day and the inferential exclusion of Virginia's original charter and

the grants to Connecticut, New York and Pennsylvania. Thus is palsied the hand that would tear the chaplet from the brow of the Mother of States.

In justice to Virginia let it be remembered, that by the twenty-first section of her Constitution of 1776, in which she fixes her boundaries, she says what they are and shall be, "unless by act of Legislature one or more territories shall hereafter be laid off and governments established west of the Alleghenies." Virginia provided for the erection of States before the confederation existed, and when there was no motive but liberal and enlarged views of policy; and without this provision the cession of 1783 might possibly have been invalid as exceeding legislative authority. In the subsequent discussions which occurred in relation to territory, it is clearly seen that the remonstrance of Maryland was not founded in objection to the *right* of Virginia, but it was, for that, "this or any other State entering into such confederation should be burthened with heavy expenses for the subduing and guaranteeing immense tracts of country, when they are not to share any part of the moneys arising from the sale of lands within those tracts or be otherwise benefited thereby." This was the burthen of the song, the echo of which is caught up from that distant time and made to reverberate yet a little longer. But the complaint of Maryland was connected with an unwarrantable demand, requiring full power to be given to the confederation "to fix the western limits of Virginia," and it was accompanied by the declaration of an inadmissible principle, "that Congress could exercise jurisdiction in territorial controversies between States." (Madison's Remonstrance, State Department.) The remon-

strance of Virginia was predicated on this state of things, and the impartial critic connecting the powers claimed for Congress with the position taken by Virginia in her remonstrance and with subsequent events, will see on the part of Virginia the dawn of *those principles* which, under the guidance of that commonwealth, have been the great conservative elements of Constitutional Freedom. The fact contemplated was but little less objectionable than the principles involved, viz. : to curtail the western limits of the State indefinitely on the southeastern side of the Ohio. Virginia had provided by her organic law, before the cupidity or jealousy of the smaller States had been excited, for the "establishment of governments west of the Alleghenies," but this question of curtailment mooted, and Virginia, willing to consummate her great *constitutional purpose* in the erection of new States, desired, against the sentiment which the smaller States had manifested, to be secured against the future by the act of that power which it was sought to make the instrument of her dismembership. There is a physical and a high political relation throughout her domain from the ocean to the Ohio which had early been perceived and always insisted upon and prosecuted by Washington, and this integrity of dominion and dependence of interest she desired and was determined to maintain. Virginia did not doubt her own title ; but she mistrusted the temper of the times, that in the storm of a revolution could turn from lofty purposes to "calculate the value" of the confederation and evince the sentiment which in these days is so strongly individualized :—

"Let me, if not by birth, have lands by wit ;
All with me's meet, that I can fashion fit."

The historical review is now closed ; nations are spread over the immense domain which was acquired by the gallantry and sagacity of former times ; and in vindicating Virginia, it is not intended to do injustice to other States. In purpose and in conduct the colonists and revolutionists of every State stand preëminent, and upon their national monument, the record of their thought and action, is inscribed indelibly,

*" Fortia facta patrum, series longissima rerum
Per tot ducta viros antiquæ ab origine gentis."*

BOUNDARY AND JURISDICTION.

Having now thoroughly established the title of Virginia, the consideration of the questions of boundary and jurisdiction between her and Ohio are naturally presented. But it has been assumed that Virginia owned no territory northwest of the Ohio. Similar legal consequences will arise from this view of the question—being the first occupant on the southwestern side—in part, which arises from the fact that she did own and conveyed the territory to the northwest of that river. Then, were the assumption true, the cession by Virginia was merely nugatory and the respective States stand upon their international rights. The international right of the dominant, or shore first possessed, is founded on the principle which formerly gave dominion on the seacoast over all within cannon range.

The enlightened decisions of later publicists give this law more exactness and free it from doubt and dispute. Vattel, B. I, c. xxii., sec. 1, says: "When a nation takes possession of a country terminated by a river, it is considered as also appropriating the river to itself; for a river is of such great use that it is to be pre-

sumed the nation intended to reserve it to itself. Consequently, the nation which first established its dominion on one of the banks of the river is considered as being the first possessor of all that part of the river which terminates its territory. This presumption is *indubitable when it relates to a river that is extremely large*, or, at least, for a part of its length; and the strength of the presumption increases or diminishes in an inverse ratio with the largeness—size?—of the river, for the more the river is confined the more does the safety and convenience of its use require that it should be subject entirely to the empire and property of that nation." The presumption of appropriation "is indubitable when it relates to a river that is extremely large," and that presumption becomes conclusive in the *inverse* ratio of the size of the stream. Trace it down the stream and it is lost, in the expanse of the ocean, where all nations meet on this great *common* of Nature; trace it up and the exclusive appropriation is narrowed down until an individual of the nation, appropriating the stream to his personal uses, holds it against the world. The further shore of the Ohio being within close cannon-shot; the full use of the river being important and the control of the further shore necessary for the protection of the dominant shore in various ways, as to prevent artificial deflections of the current, etc.; the right to its whole breadth for defence; the right to fix the furthest boundary on which the cannon of an armed neutral, or the strategy of a servile foe can be executed, are strictly within the rule and the reason of the law.

The law is well settled that *the river* belongs to the nation first taking and holding possession of one of its

banks; then what is *the river*? So a river concludes and separates different countries; not in its vulgar notion as a bulk of water gathered from certain fountains and rivulets and from other streams of note and size and then distinguished by a particular name, but as it is *in such a channel and hath such banks to encompass and confine it*" (Puff., L. N. and N., 187). This authority corroborates the law of appropriation of "the river" and defines what it is. Another distinguished publicist gives a further and more exact definition of the term. "A river, *dividing territories*, is not to be considered barely so much water flowing in a particular channel and enclosed within certain banks" (1 Grotius, 284).

Thus "the river dividing territories" is defined. Then what does the first occupier of the territory on the bank of the river take under the law from Vattel? The river and all that constitutes the river; all that is necessary to protect the territory occupied and every valuable franchise connected with the appropriated water, necessary for the use of the citizen; the protection of the stream itself and the shore and the defence of the State. The law of nations has not overlooked these details of this important doctrine of appropriation (Vattel, B. 1., c. XXII., secs. 271, 272); the current of water may not be injuriously diverted; the course of the stream may not be changed, nor its flow or the navigation upon it impeded. The conclusion of such appropriation is in inverse ratio with the decrease of the size of the stream, increasing the stringency of the rule in its application to the Ohio and brings it within the rigid definition and control of the *Mare Clausum* (*Id.*, sec. 275).

This control is perfect and absolute as if it were in the very centre of empire (Vattel, B. I., c. xx., sec. 245; c. xxi., sec. 278; Wolfius, Jus. Nat. et Gen., cap. 5; Bink. de Dom. Mar., cap. 4).

This is the public law of rivers. The term *river* is clearly defined—the water, the bed and the banks. Then in appropriating the river, under the law, what is taken?—the water, the bed and the banks. Virginia, as first possessor of the southeastern shore, was entitled to all these. If her deed of cession in 1783 was nugatory, she is still entitled to all contained in the definition of “the river,” and all the legal rights and easements following therefrom by virtue of her first possession. But this rule of international law is not only a settled principle of appropriation, but it is a well-defined rule of construction, as at common law the same term not unfrequently describes the estate conveyed and defines the right retained. Here is a natural boundary; a boundary known to and described by the supreme law of the case. If that natural boundary be a well-described forest and one grantor conveys all *beyond* that forest, is any part of the forest conveyed? If it be a desert, having a certain line of demarcation, and all beyond that line is conveyed, does any part of the desert pass? A rule of international law is established—written upon the great statute book of nature and copied into the leaves of human jurisprudence—and a conveyance is made following the terms of that rule, can the rule be changed and the grant enlarged against the individual or the nation so making the grant? There is no equity in the subsequent inconvenience of parties, there is no legal construction of grants arising out of new relations between the same, or, as in this case, between *other*

parties, which can repeal the ancient rule and create a new conveyance for the original grantor. The rule as described is not only good as positive law, but it is true as the doctrine of construction. Then, by the law, Virginia took the water, the bed and the banks. Then to elucidate a proposition so clear by a *Hibernicism*, she retains these if she did not give them away. The territory "to the northwest of the Ohio river" was conveyed. Did this give away *the river*? By the positive law of nations the river was the territory of Virginia—the river as defined by the law—and in the deed of cession there is no language which covers a single thread of its waters or a pebble of its banks.

But there is a striking coincidence between the international law and what was then and for many years afterwards continued to be the public policy of Virginia. By her act of May, 1780, she prevented the appropriation of any of the shores of her eastern waters, and in 1801 extended the inhibition to the western rivers. This was a settled idea of her policy maintained through sixty years. Then by what fact or principle is the line of boundary to be settled? The international law is conclusive; the policy of Virginia was equally determinate, that the shores of her navigable streams and great public rivers should not be appropriated, and, *a fortiori*, she did not intend to convey them to the citizens of other States. The same principle of domestic policy which required the protection of the one, required the reservation of the other. Add to these considerations of domestic policy those multifarious reasons of public policy which constitute the reasonableness and common sense of the international law, and construe the cession of Virginia. If

these are the true principles of construction, then the criticism of the case of *Handly's Lessee vs. Anthony* is well taken, and that decision, in the latitude claimed for it, contravenes the settled policy of Virginia and the institutes of the law of nations.

The doctrine of alluvion, which has been indirectly relied upon as an element on which to found the decision in this case, cannot be brought into the discussion until the party claiming it proves title to the domain. Alluvion is a legal sequence to the ownership of the soil; it is accessorial to the eminent domain; but title to the domain can never arise out of, or be predicated upon, that which is purely accidental and accessorial to itself. It is an *accident* which may accrue to the freehold, but, unless by special grant, it cannot accrue to one who lies beyond another, which other is the owner of the soil upon which the alluvion is formed.

The case of *Handly vs. Anthony*, then, must stand upon other reasons of the eminent judge who delivered the opinion in the cause. Two special reasons are assigned and one of general policy. First: "When the State of Virginia made the Ohio the boundary of States, she must have intended the great river Ohio and *not a narrow bayou* into which its waters pass." Second: "It is a fact of no inconsiderable importance in this case that the inhabitants of this land"—the land separated by the narrow bayou aforesaid—"have uniformly considered themselves, and have been uniformly considered by Kentucky and Indiana, as belonging to the last mentioned State. No diversity of opinion appears to have existed on this point. The water on the northwestern side of the land in controversy seems *not to have been spoken of as a part of the river, but as a*

bayou. The people of the vicinage *who viewed the river in all its changes seem not to have considered this land as being an island of the Ohio* and as a part of Kentucky, *but as lying on the northwestern side of the Ohio* and being a part of Indiana." This surely makes a special case, sufficient upon the facts,—that "the bayou was never spoken of as a part of the river," and that "the people of the vicinage who saw the river in all its changes never considered the land as an island of the Ohio," "but as lying on the northwestern side of the Ohio and being a part of Indiana,"—to give the verdict to the defendant. Then, so far as the language of the court affects the question of boundary between the States, it rests upon this language of the judge. "*The case is certainly not without its difficulties* ; but in great questions which concern the boundaries of States, where great national boundaries are established in general terms, with a view to public convenience and the avoidance of controversy, we think the great object, where it can be distinctly perceived, ought not to be defeated by those technical perplexities which may sometimes influence contracts between individuals." But it is remarkable that the clear and logical mind of the chief justice could finally only solve the difficulties of the case, not by the perception and statement of any conclusive principle, but by making in the order of his argument, inverted here, the concluding force of it to depend upon the special facts above enumerated. This view is of importance in any just estimate of a judgment by so logical a mind starting a new proposition and yet unable to come to a satisfactory conclusion, and compelled to resort to, and relying upon, the special facts of the case as "of no inconsiderable importance."

This brings us to one of the objects proposed—the settlement of a boundary.

In 1785, the boundary between Virginia and Pennsylvania was definitely run and fixed upon the facts and principles settled by the commissioners in 1779. In 1786, the compact boundary and jurisdiction between Maryland and Virginia was ratified. On the first Wednesday in March, 1789, the Constitution of the United States commenced its operation. In 1803, the boundary between Virginia and Tennessee, which had been run the previous year by joint commissioners, was adopted and confirmed. The two former cases preceded the adoption of the Constitution of the Union. The case of Kentucky is the case provided for by the third section of the fourth article of that instrument, and which provides for the erection of a new State within the jurisdiction of another State. In the Tennessee case, the Commissioners were authorized to settle one fact from other fixed facts, which fact had been differently asserted by the surveys of two different surveyors, Walker and Henderson. This was a commission merely to ascertain the boundary, as in the Pennsylvania case, to ascertain the degrees of longitude. As between Virginia and Ohio, the former claims "the water, the bed and the banks;" the latter, since the decision of *Handly vs. Anthony*, claims to low water mark. Between these limits is to be found the true grounds of *compromise*; beyond or without them would be the ground of *actual cession*. If compromise was desired, here was the legitimate range for its exercise. Beyond this neither could be expected to yield, and how far it is competent for a State, by any "treaty, alliance, confederation," (Con. U. S. A., I., s. 10, p. 1) or compact, to

cede territory manifestly within its borders, except in the cases provided for in the third section of the fourth article, and the seventeenth paragraph of the eighth section of the first article of the Constitution of the United States, admits of serious inquiry. (See Vattel, B. I., c. XXI., sec. 260, et seq.) If the power can be exercised over half of the river, why not over all—why not the southern bank—why not to the tops of the mountains? Surely this authority is incompetent unless it is under that joint power which provides for the entire absorption of one State by another. But between these limits there was room for compromise, upon legitimate grounds, in a spirit of comity. The distribution of jurisdiction between the English Admiralty and Common Law Courts suggested the line for compromise, and the *divisum imperium* with certain modifications, was proposed by Virginia through her Commissioners. The actual water line, the edge where the ground and the water meet, within the limits mentioned, affording the most certain, definite and visible line, and the one at all times the most easily susceptible of proof.

The interests of Virginia and a general policy with which she is identified throughout every fibre of her social and political being are involved in any further cession, or in the settlement of boundary or jurisdiction upon other terms than those proposed by Virginia in an earnest desire for adjustment. The Ohio river is the highway for the immediate carrying trade of six great States situated on its waters, and under the navigation laws of the United States for the whole Union, and, by treaties, perhaps, for the commerce of the world. In the wide range claimed for the authority of the United

States over the navigable waters and highways of the Union (9 Wheat., 1 to 240) it is of great importance that Virginia should preserve to herself, to her people, and to the citizens generally of the Union all the protection and rights which *ever and now* belong to her by virtue of the possession and ownership of the eminent domain and her reservations out of it. The rights which belong to her by virtue of sovereignty, positive and reserved, are certain, definite and unimpeachable, so long as the Constitution of this Union shall remain a monument of the wisdom of the past and a defence for the protection of the future. Any further cession may seriously and injuriously affect the reserved rights *guaranteed* to Virginia and the citizens of the Union (Va. Act, 18th Dec., 1789). Any further cession would be a cession of sovereignty; and *to the extent that the constitutional limits of Virginia recede, the constitutional jurisdiction of Ohio encroaches* (Vattel, B: 2, c. VIII., sec. 84), unless restrained by a compact, paramount and anterior to the Constitution of that State; and the area yielded would only become the arena of a fiercer strife, made malignant by the frequency and the cause of collision. Any cession of territory is therefore inadmissible, as alike repugnant to a sacred regard for the Constitution of the Union, and forbid by the interests and policy of the Commonwealth, her reserved and recognized rights as aforesaid, the harmony of the States and a just determination to maintain the compromises on which the great Republic was founded.

This leads to the questions of jurisdiction. These are two: First—Jurisdiction for use and navigation. Second—Jurisdiction of a judicial or ministerial nature.

Jurisdiction, like the term authority, has no definite

meaning. Its precise import must always be ascertained from the subject matter, the context and the relation of parties (Vattel, B. 2, c. xvii., 280). The term jurisdiction is as ubiquitous in its meaning as the complex and diversified institutions of political society. Corporate bodies, aldermen, justices, judges, courts, special commissions, governors, legislatures, States, have *their* jurisdictions. Then what is the jurisdiction desired by Ohio for use and navigation? And what more can Virginia give than is taken for the General Government by the decision of the Supreme Court of the United States in the case of *Gibbons vs. Ogden* (9 Wheat., 189). This was one of those cases commanding the first abilities of the country and requiring the maturest decision of the court, and may be looked upon as the settled law of commerce and navigation between the States. Judge Marshall there says: "Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes. The subject to be regarded is commerce; and our Constitution being, as was aptly said at the bar, one of enumeration and not of definition, to ascertain the extent of the power, it becomes necessary to settle the meaning of the word. The counsel for the appellee would limit it to traffic, to buying and selling, or the interchange of commodities, and do not admit that it comprehends navigation. This would restrict a general term, applicable to many objects, to one of its significations. Commerce, undoubtedly, is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations, in all its branches, and is regulated by pre-

scribed rules for carrying on that intercourse. The mind can scarcely conceive a system for regulating commerce between nations which shall exclude all laws concerning navigation, which shall be silent on the admission of the vessels of the one nation into the ports of the other." From a principle so broadly laid down, what power may not be deduced; and as a logical result, the States are excluded from the exercise of any control over the question of navigation, for on page 225, the Court says: "The history of the times will therefore sustain the opinion that the grant of power over commerce, if intended to be commensurate with evils existing and the purpose of remedying those evils, could be only *commensurate with the power of the States over the subject*;" again, page 227, "The power to regulate commerce here meant to be granted *was that power to regulate commerce which previously existed in the States*. But what was that power? The States were *unquestionably supreme*, and each possessed that power over commerce which is acknowledged to reside in every sovereign State." The very limited power reserved to the States may be seen at page 237 of the opinion of the Court. The proposition of the Virginia Commissioners embraced these reserved rights as fully as the same was reserved to herself and granted to others by the seventh clause of the fifth section of the Act of December 18, 1789; a compact ratified by Congress and preëxisting the Constitution of Kentucky and Ohio, and controlling their provisions or operation *pro hac vice*. The jurisdiction for commerce and navigation, then, as aforesaid, belongs under this decision to the General Government. These powers are so unlimited,

that no further action of the States can extend them; they are so supreme that no action of the States can limit them.

Yet this authority, supreme as it is, cannot interfere with those rights of private property which spring out of the Constitution of the State or are inherent in the eminent domain under our constitutional system. These, as has been stated, there is a social, moral and political necessity for maintaining under the exclusive control of the law of their domicil. A judge of Virginia has decreed that the protection of property, while navigating the Ohio or being carried thereon, depended upon international law, and cited the Oregon treaty as a case in point, overlooking the fact that these States are not foreign States in their commercial relations, and if they were, the important principle of international law—and among the States of constitutional jurisdiction—intervenes, that the laws or constitution of the foreign State shall in no wise be infringed, unless by some compact of paramount obligation. But this security will be found to rest with more certainty in the act for the erection of Kentucky into a State, in which it is provided, "That the use and navigation of the river Ohio, so far as the territory of the proposed State, or the territory which shall remain within the limits of this commonwealth lies thereon, shall be free and common to the citizens of the United States, and the respective jurisdictions of this commonwealth and the proposed State on the river aforesaid, shall be concurrent only with the States which may possess the opposite shores of the said river." (7th clause of the fifth section, Act of December 18, 1789.) If Virginia had made a general grant of territory to

Kentucky, the sovereignty over the river would have passed with that grant; there would have been no limitation upon the authority of Kentucky, except that contained in the Constitution of the United States. The Constitution of Kentucky, its amendment or alteration might have made changes in the laws of property which might have seriously affected the rights of persons using and navigating the Ohio. But this clause is not a grant to Kentucky; it is a limitation of authority; it is the reservation of a right for using and navigating the Ohio—a right reserved free and common to the citizens of the United States. It is a right which Kentucky—which no other power—can limit, restrain or annul—a right secured compact and guaranteed under an express provision of the Constitution of the Union—a right solemnly sanctioned before Ohio had a political existence, by all who could be parties to the compact, and by the power which had authority to bind. Virginia, Kentucky and Congress, representing the sovereignty and dominion of the Northwestern Territory, were the parties to the contract, and made a compact which, without the consent of each, can only be repealed by revolution. This act, possessing the highest obligation and giving the citizens of the Union “the free and common use and navigation” of the Ohio, independent of and above the constitutional jurisdiction of the State of Ohio, suggested itself as the most solemn form of guaranty which could be proposed on this branch of the subjects submitted for adjustment. This formed a proposition on the part of Virginia. It was not accepted, but still remains the compact and the law of the case. But what were the rights reserved? Virginia took the measure of her

own citizen and his rights as the description of the rights reserved to her people "in free and common use." The right was reserved to use and navigate the Ohio with persons and property as defined and recognized by the Constitution and laws of Virginia. The right of using and navigating that stream, as it belonged to Virginia previous to the admission of Kentucky and Ohio, is the definition of the authority reserved over the river.

But what is the meaning of the latter part of this exception to the grant? It has been seen that the word jurisdiction is a generic term to be defined by the context, the subject-matter and the relation of parties. Taking these indicia of intent, "and the use and navigation of the Ohio" afford the only ground of construction, and those resulting privileges and easements necessary to the proper execution of the main purposes of the grant are alone included. There is no other subject-matter upon which the residue of the sentence can operate. It must be confined to the use and navigation, which is the subject-matter of the clause. That it did not mean jurisdiction in the broadest sense in which that term can apply to States, is evident from the fact that it never has been claimed; that it is a constitutional solecism, involving the contradiction of opposing principles of the organic law of two States operating over the same territory at the same time. It cannot be a legislative jurisdiction, subjecting the same territory to hostile and conflicting changes of legislative policy. It cannot be judicial jurisdiction, subjecting individuals to distinct and widely-differing systems of criminal police. It cannot be general ministerial jurisdiction, for this, as well as a

judicial jurisdiction, involves, more or less, the fact of, and necessity for, legislative jurisdiction, which, again, requires its constitutional foundation to rest upon. The first cannot exist, because it is a violation of well-settled constitutional principles. The latter cannot exist, because they can have no foundation to rest upon except the first. In any event, to create concurrent powers, the authority must be express and definite, and they must be such as can be granted or subsist by prior limitations, as in the compact of 1789. In the higher notions of jurisdiction, the authority, when extended beyond the context, involves constitutional absurdities; when wrested to apply to a lower range of jurisdiction, the mind is lost in the ambiguity of the expression, which has no ascertained objects and no defined limits. In the vagueness of the language there is a nullity of power.

In the conference between the States, boundary could not be settled but by yielding *all* which one of the parties asked. Upon the question of jurisdiction, the same party pressed her claim to an exclusive authority this side, even the extreme limits of her pretensions to boundary; in each instance claiming everything that was doubtful and yielding nothing that was certain. No compromise was offered, and Virginia was not justified to make any further cession. But whatever *ministerial* jurisdiction it may be deemed expedient to grant and define by such grant is, perhaps, within the capacity of the General Assembly to give. And when the experiment of such a common and well-defined jurisdiction is so tried, and shall be found subservient to the ends of public justice and the harmony of States, it can be made perpetual, as it would be by these auspicious causes.

If, however, it should prove productive of mischief and discord, the remedy will be in the rightful power, and the State which can be most seriously affected will have the power and the right of self-protection under the sanction and sovereignty of law.

These are deemed the just views of the rights, duties and obligations of Virginia. To maintain and support these, under the sanction of law, is a duty of self-preservation and of national import. The great thoroughfare on her western border should be preserved in its utmost latitude of social and commercial intercourse *to the citizens of all the States without distinction*. And the declaration of Congress in the ordinance of 1787, declaring the waters within the Northwestern Territory navigable highways, the construction of the federal constitution by the Supreme Court in the case of *Gibbons vs. Ogden*, and the original, reserved and conventional rights as declared by the Virginia act of 18th of December, 1879, and sanctioned by Congress, are consistent and harmonious, and are of paramount obligation to all subsequent grants and constitutions of States. These acts give easements, franchises and privileges on these important highways, and at the same time protect rights arising out of the severalty and sovereignty of the States. Conclusively so is the condition of the Ohio river, the surface of whose bosom is dedicated by these solemn acts of public munificence, to the multiplied and various wants of a commercial people and the social intercourse of States differing in policy, but bound together by dependencies which can never be dissolved but at a fatal price. And there is nothing in the relations of the States of Virginia and Ohio, growing out of the question of boundary and jurisdiction, which must

necessarily lead to such deplorable consequences; and should they ever come, they must be traced to causes deeper, more dangerous and more widely extended. The aggressive spirit which breaks through solemn sanctions of law, to assail one species of property, differs but in degree from that which denies all rights derived from acquisition or inheritance, and will be met by that conservative spirit upon which all laws and constitutions are founded, and through which the form and structure of society have any permanence.

CHAPTER XIX.

INSURRECTION AT HARPER'S FERRY.

The Location—Gathering of John Brown's Confederates—The Armory and Arsenal in Possession of the Insurgents—Arrival of the Military—The Attack and Capture—Loss of Life on either Side—The Trial and Conviction—Execution of the Sentence.

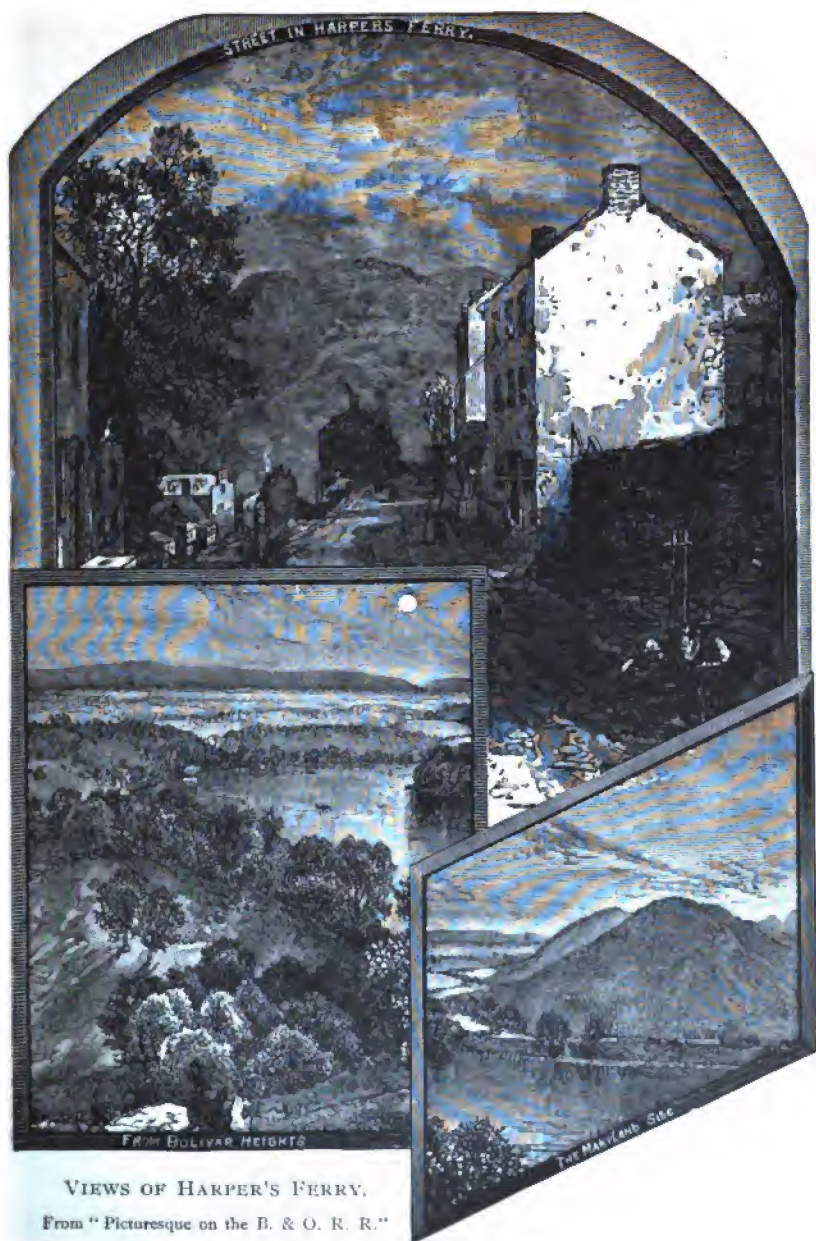
WHERE tower in solemn grandeur the lofty crests of Loudoun, Bolivar and Maryland Heights, standing like grim sentinels, guarding the spot where the mythical Water God mingles the crystal tide of the Shenandoah with the blue waters of the Potomac—there is Harper's Ferry—the most eastern point of land in West Virginia. The location itself forms an important page in nature's great book—the physical history of the globe. Far back in the dim past, during the Devonian Age, when the slimy summits of the Blue Ridge and Alleghenies rose above the surface of a shoreless ocean, they held between them a vast inland sea, for that the present Shenandoah valley is the basin of an ancient sea or lake there is every reason to believe. Stretching away from the present site of Staunton on the south to Chambersburg on the north spread one vast sheet of water. Filling to the top of the basin these surging waters broke over the eastern ridge, where Harper's Ferry now stands. Here for a thousand years foamed and dashed a raging Niagara until the ancient wall of gray quartz was cut away. Thus was drained the sea and thus formed the chasm through which the Potomac now dashes along.

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The event of greatest interest, the one which has obtained for the place a world-wide celebrity, is that known as the John Brown Insurrection. It was the rumbling of the distant thunder, the muttering of the terrible storm of civil war, with its magnitude, destructiveness, and results, for a parallel of which the student of history searches the records of the Old World in vain. The intelligence that went out from Harper's Ferry on the 17th of October, 1859, sent a thrill of terror throughout Virginia, and astonished the whole nation.

May 8, 1858, a conference was held at Chatham, Canada, composed of numerous representatives from various parts of the United States and British America, the object being to devise the best plans for bringing about the consummation of their cherished hope—the abolition of slavery in the South. The moving spirit in that body was John Brown, or "Old Ossawatimie Brown," so called because of his participation in a battle fought at Ossawatimie, Kansas, during the trouble in that State. What the action of that convention was never has and never will be known, but the inference may be drawn from the immediate action of the principal leader.

Shortly after, Brown and his two sons, Oliver and Watson, appeared in the vicinity of Harper's Ferry, and under the assumed name of Anderson, leased from Dr. Kennedy, of Sharpsburg, a farm in Maryland, within a few miles of the Ferry. Here a considerable quantity of arms and ammunition, shipped from an unknown source, was collected, and a force of twenty-two confederates joined him, of whom seventeen were white and five colored. At length the day for action



arrived, and Brown closed the instructions to his men by saying: "Do not take the life of any one if you can avoid it; but if it be necessary to take life in order to save your own, then make sure work of it."

The hour was 10 P. M., October 16th, 1859, when William Williamson, the Arsenal guard on the Potomac bridge, while walking his beat, was seized and made prisoner. The guard thus removed, Brown and his men quietly took possession of the Armory buildings, in which were stored a large quantity of arms and ammunition. About one o'clock A. M. several of the insurgents went to the dwelling of Lewis Washington, an extensive farmer and slave owner, and, arousing him, made him prisoner, and after securing his arms and carriage and proclaiming freedom to his slaves, carried him to the Arsenal. A similar visit was paid to the residence of John Allstadt, another farmer, and he, together with his son, sixteen years of age, was brought in prisoner. These interrogated Brown as to the object of his proceedings, to which he replied, "To free the slaves," and when asked by whose authority, the reply was, "By the authority of God Almighty."

At 12.40 A. M. the east-bound mail train on the Baltimore and Ohio railroad, with Conductor Andrew J. Phelps, Express Agent Jacob Cromwell, and William Wooley, engineer, in charge, reached Harper's Ferry. It was stopped and detained a considerable time, but was at length allowed to proceed, the conductor having been requested by Brown to state to the superintendent of the road that under no circumstances would another train be permitted to pass Harper's Ferry. So quietly had everything been managed, that the town was not aroused until daybreak, when it was discovered

that the Government buildings were in the possession of a band of insurgents, who, with armed sentinels, guarded every approach to the town, thus rendering its inhabitants prisoners. At daylight the workmen engaged on the buildings went as usual to their work and were made prisoners, and confined in a large building in the yard.

When the true state of affairs became known, the wildest excitement prevailed; messengers were sent to the neighboring towns, and by noon military companies began to arrive. A volunteer company commanded by Colonel Baylor, from Charlestown, was first upon the scene. They made a dash toward the bridge, and the insurgents took refuge in the Armory, where they held the attacking party in check. Later in the day two companies arrived from Martinsburg, and the Arsenal was at once stormed, and the building in which the workmen were imprisoned carried. A desultory fire was kept up until nightfall, by which Fontaine Beckham, a railroad agent; Shepherd Hayward, colored porter at the railroad station; Joseph Burley, of Harper's Ferry; George Turner, a graduate of West Point, and Evan Dorsey and George Richardson, of Martinsburg, were killed. The insurgents' dead were: Brown's son Oliver, Kagi, his secretary, and William H. Leeman. Among the prisoners held by the insurgents were: Armistead Ball, chief draughtsman at the Armory; Benjamin Mills, Master at the Armory; J. E. P. Dangerfield, Paymaster's clerk; Lewis Washington, and John Allstadt and his son.

Brown had taken the precaution to have the wires cut, so that the outside world should not be informed of his proceedings until he should have firmly estab-



JOHN BROWN SUPPORTING HIS DYING SON.

lished himself; but late in the evening of the 17th, messengers bore dispatches beyond the damage to the wires, and transmitted them to Baltimore, Richmond, Washington and other points, at all of which the intelligence produced the wildest excitement, and through the South it amounted almost to a reign of terror. Upon its receipt at Washington, Colonel Robert E. Lee, with one hundred United States marines, was at once dispatched to the scene of action. Upon his arrival, Colonel Lee sent Lieutenant J. E. B. Stewart to demand an unconditional surrender, only promising the insurgents protection from immediate violence and trial under the civil law. But Brown refused to capitulate on other terms than these: That they should be permitted to march out with men and arms taking their prisoners with them; that they should proceed unpursued a specified distance from the town, when they would free their prisoners; the soldiers would then be permitted to pursue them and they would fight if they could not escape. Lieutenant Stewart could not consent to such terms, and an attack was at once made, which resulted in the capture of Brown and several of his fellows, all of whom were forced to surrender at the point of the bayonet.

Brown was so severely wounded that it was thought he would die soon after being brought out of the Armory, but instead he revived and was removed to a room where he received medical aid. Here on the next day he was visited by Governor Henry A. Wise, in answer to whose interrogatories, Brown said: "I rented the Kennedy farm, and here I ordered to be sent from the east all things required for my undertaking. The boxes were double, so no one could suspect the contents

of them, not even the carters engaged in hauling them up from the wharf. All boxes and packages were directed to J. Smith & Son. I never had more than twenty-two men about the place, but I had it so arranged that I could arm at any time 1500 men with the following arms: 290 Sharp's rifles, 200 Maynard's revolvers, and 1000 spears and tomahawks. I would have armed the whites with the rifles and pistols, and the blacks with the spears, they not being sufficiently familiar with other arms. 'I had plenty of fixed ammunition and enough provisions, and had a good right to expect the aid of from 2000 to 5000 men at any time I wanted them. Help was promised me from Maryland, North and South Carolina, Kentucky and Canada. The blow was struck a little too soon. * * * * But I only regret I have failed in my designs; I have no apologies to make or concessions to ask now.'

Brown appeared quite exhausted, and the Governor on taking his leave told him he would better be preparing for death, to which Brown responded, that though the Governor might live fifteen years he would have a good deal to answer for at last, and that he would better be making preparations also.

An indictment, for treason and murder, was at once found against Brown, and he was closely confined in prison. The case came up for hearing in the Circuit Court at Charlestown on the 26th of October. Richard Parker was on the bench at that time, James W. Campbell, High Sheriff, and John Avis, Jailer. Charles W. Harding was Prosecuting Attorney. Governor Wise appointed Andrew Hunter to assist the prosecution. Judge Parker appointed George W. Hoge, George Lennott and Lawson Botts counsel for the

defence. The last was killed at the second battle of Manassas while serving as Colonel of the Second Virginia Confederate Regiment. It is worthy of note that his grandfather, Benjamin Botts, defended Aaron Burr from a similar charge.

The defence moved for a continuance because of the physical condition of the prisoner, but the motion was overruled, and a jury composed of the following named was empaneled: John C. Wiltshire, foreman, Richard Timberlake, Joseph Myers, Thomas Watson, Jr., Isaac Dust, John C. McClure, William Rightsteine, Jacob Miller, Thomas Osbourne, George W. Bowyer, George Tabb, and William A. Martin.

Throughout his trial Brown was unable to sit because of his wounds, and he lay upon a mattress. On the evening of the third day of the trial the jury returned a verdict of guilty and the prisoner was sentenced to be hanged December 16th. As a last resort his counsel sought executive clemency. The law of Virginia provided that the Governor should not grant pardon to any one convicted of treason without the consent of the General Assembly. Governor Wise, by message notified that body of the petition of Brown's counsel, and it, on the 7th of December, by joint action resolved: "That the said sentence is deemed plainly right, and no interposition of the authority of this legislature is deemed necessary or proper to delay the execution of the sentence of the court pronounced upon said persons."

Brown now gave up all hope, if indeed he had ever entertained any, and during his last days letters of sympathy and condolence from eminent editors and politicians, North and South, poured in upon him.

At length the fatal day arrived ; the condemned man walked forth from the jail with a firm and steady step. Mounting the wagon which was to convey him to the gallows, he seated himself between Mr. Avis, the jailor, and Mr. Saddler, the undertaker. Arriving at the place of execution, he descended from the wagon and ascended the scaffold, the first man to stand upon it. The cap was drawn, the rope adjusted, the signal given, and the body was dangling in the air. When life was extinct, it was cut down and Mr. Saddler placed it in a walnut coffin. It was sent to North Elba, New York, where an eloquent eulogy was pronounced over it by Wendell Phillips. Henry A. Wise said that "Brown was as brave a man as ever headed an insurrection. He was the farthest possible remove from the ordinary ruffian, rake or madman." Notwithstanding this, that he died a fanatic, a victim to a delusion which entirely possessed him, none will deny.

Six of Brown's companions were also executed : Cook, Coppoc, Copeland and Green, on the 16th of December, and Stephens and Haslitt on the 16th of the following March. Thus closed the first scene in the drama of civil war.

CHAPTER XX.

CONSTITUTIONS OF VIRGINIA.

The Constitution of 1776.—The Property Qualification of the Right of Suffrage.—Unequal Taxation and Representation.—Opposition between the East and the West.—Conflicting Interests of the two Sections.—Constitutional Convention of 1829-30.—Failure of the West to secure a Redress of Grievances.—The Vote upon the Constitution in the Trans-Allegheny Counties.—Increased Opposition between the two Sections.—The Question of the Expediency of a Division of the State.—The Constitutional Convention of 1850-1.—The Delegates from the Western Counties.—Civil War the Opportunity for securing a Division of the State.

IN the year 1776, Virginia framed and adopted a Constitution by which she was governed for more than fifty years. It was the first document of the kind prepared by an American State, and, formed without a precedent, it was but natural that in it should be found many imperfections. First among these were its two great distinctive features—*Sectionalism* and *Aristocracy*—both of which had their origin a century before the preparation of that Constitution. The unequal representation of the counties, which was the remote cause of its *sectional* character, was established in the year 1661, by the House of Burgesses, representing a population residing exclusively in the Tidewater region, and consequently at that time homogeneous in character and identical in interest. *The limitation of suffrage to free-holders*, which gave to it its *Aristocratic* character, was imposed on the Colony in 1677, by Royal instruction from Charles II., to the Governor of the Colony of Virginia "To take care that the members of the

Assembly be elected only by *freeholders*, as being more agreeable to the customs of England," to which he might have added, "And more congenial also with monarchical institutions."

With the increase of population and the organization of counties west of the Blue Ridge, the principle was reversed, and what had been *equal* representation had become *unequal* representation, and while many of the western counties paid into the public treasury many times the amount paid by some of the eastern counties, yet the representation of both was the same. Loudoun county had a population twenty-six times as great as Warwick, and paid twenty times as much of the State taxes, while both had the same representation upon the floor of the General Assembly. What was true of these two counties was, by comparison, true of many others in the two sections. It was "taxation without representation"—one of the leading causes of the Revolution—and it is not surprising that it became a source of great dissatisfaction to the dwellers in the Valley, and to men who were felling the forests on the western slope of the Alleghenies and in the valleys toward the Ohio.

This basis of representation gave to the East the balance of power, and rendered the western section almost powerless in all matters of State legislation. In the Assembly in 1820, the former had one hundred and twenty-four members, while the latter had but eighty. The result was that the East secured to itself nearly everything in the character of internal improvements. There hundreds of thousands of dollars were appropriated to the building of canals and highways, while the delegate from the West returned to his con-

stituents, who were highly pleased, if he had been able to secure for them a few hundred dollars to be used in the construction of a mud turnpike. The public buildings, with a single exception—the Western Lunatic Asylum at Staunton—were all east of the Blue Ridge.

But that which produced the greatest dissatisfaction, and caused deepest murmuring, was the restriction of the Right of Suffrage. Its exercise depended on a property qualification, and was restricted exclusively to the freeholders of the State. The doctrine—that “all men are born free and independent”—was declared in the first clause of the Bill of Rights, but while it was claimed to be true in theory, it was declared to be dangerous in application. In the East it was claimed that if extended it would put it into the power of those who would thus exercise it, and who were not slave owners, to oppress that species of property the more relentlessly because of a peculiar power claimed for it in the Government, when, in truth, its guardianship sprang, in a degree, from the very number whose political power was to be diminished by making that property or taxes an element in the representative powers of the State.

The West claimed that the extension would vest the power in the hands of those who should hold it as the umpires between the varied and rival interests of the two sections. Under the Constitution then in force thousands of brave men, denied by it this inestimable privilege, formed the Virginia Line during the Revolution, and when not engaged in defending her soil from the foot of the invader, were marching barefoot over the frozen snows of the North or wading the pestilential swamps of the South. When the Second War

with the Briton came, other thousands marched to the field, who were treated as aliens in the land of their nativity, and that, too, by the very government they were giving their lives to defend. At the close of that struggle the bones of many brave men from the hills and valleys west of the Alleghenies, even from the banks of the Ohio, lay buried in the sands of Norfolk—bones of men who had never cast a ballot—deprived of that right because of its restriction to a property qualification. At the beginning of that war a company numbering seventy-four men marched to the field from Culpeper Court House, but two of whom had the right of suffrage. In behalf of these disfranchised defenders of Virginia, the orators of the West pleaded eloquently and long.

It was evident that a redress of grievances never could be secured under the existing Constitution, and as early as 1815, the question of a Constitutional Convention to revise that instrument began to be agitated. Much opposition was developed, and it was only after repeated failures that a bill was passed by the Assembly at the session of 1827–8, which provided for taking the sense of the voters upon the call of such a convention. In the latter year, the polls were opened and the proposition carried by a vote of 21,896 to 16,646. Of the majority by far the greater number of votes composing it were cast in the western counties of the State, where the greatest opposition to the existing Constitution had developed.

The Convention convened at Richmond October 5, 1829, and was the most remarkable body of men that had assembled in Virginia since that which ratified the Federal Compact of 1788. There sat James Madison

and James Monroe, ex-Presidents of the United States—John Randolph of Roanoke, and many others renowned for their wisdom and eloquence.

The body was composed of ninety-six members, of whom eighteen were from the territory now embraced within the limits of West Virginia. These were William McCoy, of Pendleton county; Andrew Beirne, of Monroe; William Smith, of Greenbrier; John Baxter, of Pocahontas; Thomas Griggs, Jr., and Hierome L. Opie, of Jefferson; William Naylor and William Donaldson of Hampshire; Elisha Boyd and Philip Pendleton, of Berkeley; Edwin S. Duncan, of Harrison; John Laidley, of Cabell; Lewis Summers, of Kanawha; Adam See, of Randolph; Philip Doddridge and Alexander Campbell, of Brooke, and Charles S. Morgan and Eugenius M. Wilson, of Monongalia.

In the organization, no Western man was mentioned in connection with an official position. From the beginning of the session the conflicting interests of the two sections became more and more apparent; and the representatives from each were arranged in almost solid phalanx on opposite sides of nearly every question.

At length the work of the Convention was done, but none of the reforms sought had been secured. The Right of Suffrage was still restricted and the West denied equal representation. Thus the objectionable features of the old Constitution had all, or nearly all, been engrafted into the new. Upon the final vote in the Convention every delegate from the west side of the Alleghenies voted against it, with the single exception of Philip Doddridge, who was unable to attend, being ill at his hotel. But it was in the popular vote

that the opposition of the two sections became most evident. The total vote was 41,618, of which 26,055 were for ratification and 15,563 for rejection. Every county east of the Blue Ridge, with one exception (Warwick), gave a majority for ratification; while every county in what is now West Virginia, with two exceptions (Jefferson and Hampshire), voted largely in favor of rejection. The result in the latter is thus shown:—

COUNTIES.	RATIFICATION.	REJECTION.
Berkeley,	95	161
Brooke,	0	371
Cabell,	5	334
Greenbrier,	34	464
Hampshire,	241	211
Hardy,	63	120
Harrison,	8	1112
Jefferson,	243	53
Kanawha,	42	266
Lewis,	10	546
Logan,	2	255
Mason,	31	369
Monongalia,	305	460
Monroe,	19	451
Morgan,	29	156
Nicholas,	28	325
Ohio,	3	643
Pendleton,	58	219
Pocahontas,	9	228
Preston,	121	357
Randolph,	4	565
Tyler,	5	299
Wood,	28	410
Total,	1383	8375

Thus it is seen that of the total vote (9758) cast in these counties, 8375 were for rejection.

The new Constitution went into effect, and under it was added to the evils of the old—political ostracism in the West. Three-quarters of a century passed away, and in all that time but one man—General Andrew Moore, of Rockbridge—had ever been chosen from a county west of the Blue Ridge to represent Virginia

in the United States Senate, and in the same period but one man—Joseph Johnson, of Harrison—had ever been selected from a county west of the Alleghenies to fill the Gubernatorial Chair. Thus men in the West having political aspirations, saw in the supremacy of the East the impossibility of their realization, and smarting under what they deemed to be the greatest injustice, they began to dream of a time when conditions should exist under which a separation from the Mother State would be made possible, and in the territory thus separated they, themselves, should assist in establishing a new commonwealth. From the summit of the Alleghenies to the banks of the Ohio the expediency of State division was for years a theme of earnest discussion. Still, a large majority cherished a fond and patriotic love for the Old Dominion, of which the trans-Allegheny counties formed an integral part, and fondly hoped that all existing differences might yet be removed by legislative action. They demanded a revision of the Constitution, and in compliance with that demand, the Assembly, on the 9th of March, 1850, passed an act providing for the submission to the people the question of calling a convention to revise the Constitution. The vote in the following April resulted in favor of the convention, and the election of delegates occurred in the following August. The body convened on the 14th of October, 1850.

The delegates were chosen from the several Senatorial districts. Those from the districts and parts of districts then lying in what is now West Virginia were as follows: From the District of Rockingham, Pendleton and Page, John Kenney, George E. Deneale, A. M. Newman and John Lionberger; from the District of

Shenandoah, Hardy and Warren, Green B. Samuels, William Seymour, Giles Cook and Samuel C. Williams; from the District of Jefferson, Berkeley and Clark, Charles J. Faulkner, William Lucas, Dennis Murphy and Andrew Hunter; from the District of Frederick, Hampshire and Morgan, James E. Stewart, Thomas Sloan, Richard E. Byrd and Charles Blue; from the District of Brooke, Ohio, Hancock and Marshall, Jefferson T. Martin, Zachariah Jacob, John Knote and Thomas M. Gally; from the District of Doddridge, Wetzel, Harrison, Tyler, Wood and Ritchie, Joseph Johnson, John F. Snodgrass, Gideon D. Camden and Peter G. Van Winkle; from the District of Marion, Preston, Monongalia and Taylor, William G. Brown, Edward J. Armstrong, Waitman T. Willey and James Neeson; from the District of Randolph, Lewis, Barbour, Gilmer, Braxton, Wirt and Jackson, Samuel L. Hayes, Joseph Smith, John S. Carlisle and Thomas Bland; from the District of Cabell, Mason, Putnam, Wayne, Boone, Wyoming and Logan, Elisha W. McComas, Henry J. Fisher and James H. Ferguson; from the District of Greenbrier, Pocahontas, Fayette, Raleigh, Nicholas and Kanawha, George W. Summers, Samuel Price, William Smith and Benjamin H. Smith; from the District of Mercer, Giles, Tazewell and Monroe, Augustus A. Chapman, Allen T. Caperton and Albert G. Pendleton.

At last the work was done, and with its completion came a redress of many grievances. The Right of Suffrage was extended, taxation rendered more equitable, and the basis of representation so remodeled as to secure to the West greater equality in the halls of legislation, and it now seemed that harmony would hence-

forth exist between the two sections. But civil war hovered near, and the mutterings were heard in the distance. The temple of Janus was to be opened wide, and blood was to deluge this fair land. The East favored secession, while the West opposed it. It was a question between loyalty to the State and loyalty to the Union. Again the breach was opened, and with the two sections thus arrayed against each other, the opportunity came for securing a division of the State.

CHAPTER XXI.

VIRGINIA'S ORDINANCE OF SECESSION.

Expressions of Public Sentiment regarding Secession.—The Act of the Assembly Providing for a Convention.—Joint Resolution of the Same Body.—Election of Delegates to the Convention.—Meeting of the Same.—Members from that Portion of the State now Composing West Virginia.—Action Indicating Final Result.—Passage of the Ordinance of Secession.—Enthusiasm in the East.—Western Delegates Escape from Richmond.—Their Arrival at Home.—Determined Opposition in the West.—Action Taken at Wheeling.—Proceedings in Brooke County.—Committee Sent to Secure Arms.—Expressions of Public Sentiment in the Western Counties.—The Clarksburgh Convention.

WE have followed the fortunes of Virginia through the Old French and Indian War, through the stormy scenes of the Revolution, through two centuries of savage warfare, through the Second War with Great Britain, and have seen how her sons marched with alacrity to the distant fields of Mexico; but now we are to see her plunged into a civil war unparalleled in the annals of nations. Owing to her geographical position she was destined to become the seat of war. On her soil was to be marshalled the contending hosts, and her mountains and valleys were to be crimsoned with the best blood of the Nation. Within her domain was to arise a new commonwealth, and the Mother and the Daughter were to reside upon the ancient estate.

The year 1860, found Virginia in a state of the wildest commotion, a condition unexampled in history, unless it be France in the early days of the French Revolution. Throughout the eastern part of the State meetings were held at which enthusiastic thousands heard from elo-

quent orators the portraiture of Virginia's future destiny when she should become the chief corner-stone of a new republic—when she should be the Old Dominion of a Southern Confederacy. Her people had recently witnessed the daring attempts of John Brown at Harper's Ferry, and no one could foretell when or where the next blow against the institution of slavery would be struck. They believed that the recent insurrection was the result of a formidable conspiracy in the North, whose attempts upon slavery, though for the time stayed, would be renewed as quickly as the organization could recover from its recent failure at Harper's Ferry. Thus the people saw safety to Virginia nowhere but in a union with her Southern sisters in which all should share a common destiny.

But vastly different were the views entertained by the people west of the mountains. They regarded secession as being ruinous in its effects and maintained that safety could be found nowhere except beneath the folds of the flag of the Federal Republic to which they pledged undying attachment; and to these sentiments they hastened to give expression. Men of every political faith, though differing widely upon nearly all other issues, were united upon this—opposition to secession.

The first public meeting for the purpose of expressing determination to adhere to the Union was held in Preston county on the 12th day of November, 1860. So unanimous in feeling were the men composing it, that a resolution was adopted declaring, "that any attempt upon the part of the State to secede will meet with the unqualified disapprobation of the people of the county."

Twelve days later, November 24th, a similar meeting was held in Harrison county, and it was declared that

"The people will first exhaust all constitutional remedies for redress before they will resort to any violent measures; that the ballot box is the only medium known to the Constitution for a redress of grievances, and to it alone we will appeal; that it is the duty of all citizens to uphold and support the lawfully constituted authorities."

Two days afterward, November 26th, the people of Monongalia county assembled at Morgantown, and headed by the local leaders of all the great political parties, resolved unanimously "that the election of the candidates of the Republican party does not justify secession, and the union of the States is the best guarantee for the present and future welfare of the people."

Actuated by a like spirit, similar resolutions were adopted by the people of Taylor county on the 3d of December following, by the citizens of Wheeling on the 14th of the same month, and by the people of Mason county assembled at Point Pleasant, January 7, 1861.

Virginia hesitated long. On the north and west lay the States still composing the Federal Union, while on the South lay those which had cast their fortunes with the Confederacy. But at length the time for final action came. Her Governor, John Letcher, issued a proclamation convening the Assembly in extra session, and, in obedience to the summons, that body convened January 7, 1861, and then began the stormiest session in its history. Seven days later, a bill was passed calling for a Convention of the people of Virginia, the delegates of which were to be chosen in the manner prescribed for the election of members of the Assembly. The

body was to consist of one hundred and fifty-two members. This action on the part of the Assembly was without a precedent in the annals of the Commonwealth. Never before had a call of a Convention been made, except by the voice of the people, but now they were not permitted to vote upon the question. The act, however, provided that the action of the Convention should be submitted to them for ratification or rejection. On the 21st of January the Assembly declared by Joint Resolution that if all efforts failed to reconcile the existing differences between the two sections of the country, "it is the duty of Virginia to unite her destiny with the slaveholding States of the South."

All was haste and confusion. The delegates were elected on the 4th of February, and Wednesday morning, the 13th of the same month, witnessed a memorable scene in and around the old State House at Richmond. There Virginia had convened her renowned jurists, profoundest thinkers and literary characters. There sat ex-President John Tyler, Henry A. Wise, ex-Governor of the Commonwealth, and many others who had held high positions in the councils of the State and Nation.

It was a time fraught with matters of the gravest importance, and the people west of the mountains sent their wisest statesmen over the Blue Ridge. From the counties then existing and now within the confines of West Virginia, the delegates were as follows: From Barbour county, Samuel Woods; Berkeley, Edmond Pendleton and Allen C. Hammond; Braxton and Nicholas, B. W. Byrne; Brooke, Campbell Tarr; Cabell, William McComas; Doddridge and Tyler, Chapman J. Stuart; Fayette and Raleigh, Henry L.

Gillespie ; Gilmer and Wirt, C. B. Conrad ; Greenbrier, Samuel Price ; Hampshire, Edmond M. Armstrong and David Pugh ; Hancock, George McC. Porter ; Hardy, Thomas Maslin ; Harrison, John S. Carlisle and Benjamin Wilson , Jackson and Roane, Franklin P. Turner ; Jefferson, Alfred M. Barbour and Logan Osburn ; Kanawha, George W. Summers and Spicer Patrick, Sr. ; Lewis, Caleb Bogess ; Logan, Boone and Wyoming, James Lawson ; Marion, Alpheus S. Haymond and Ephraim B. Hall ; Marshall, James Burley ; Mason, James H. Couch, Sr. ; Mercer, Napoleon B. French ; Monongalia, Waitman T. Willey and Marshall M. Dent ; Monroe, Allen T. Caperton and John Echols ; Morgan, Johnson Orrick ; Ohio, Sherard Clemens and Chester D. Hubbard ; Pocahontas, Paul McNeil ; Preston, William G. Brown and James C. McGrew ; Putnam, James W. Hoge ; Ritchie, Cyrus Hall ; Randolph and Tucker, J. N. Hughes ; Taylor, John S. Burdette ; Upshur, George W. Berlin ; Wetzel, L. S. Hall ; Wood, John J. Jackson ; Wayne, Burwell Spurlock.

The Convention organized by electing John Janney, a delegate from Loudon county, President, and John L. Eubank, of the city of Richmond, Secretary. A committee on Federal Relations was appointed, consisting of Robert Conrad, A. H. H. Stewart, Henry A. Wise, Robert E. Scott, W. B. Preston, Lewis L. Harvie, Sherard Clemens, W. H. McFarland, William McComas, R. L. Montague, Samuel Price, Valentine W. Southall, Waitman T. Willey, James C. Bruce, W. W. Boyd, James Barbour, S. C. Williams, William C. Rives, Samuel McD. Moore, George Blow, Jr., and Peter C. Johnson. Stewart and Clemens requested to be and were excused from serving.

From the first it was evident what the final result would be. On the 14th, the second day, the credentials of the Confederate Commissioners—John S. Preston, from South Carolina; Henry L. Benning, from Georgia, and Fulton Anderson, from Mississippi—were received. On the 18th the two latter were heard, and both, in speeches resplendent with rhetorical flourish and literary excellence, portrayed the danger of Virginia remaining longer with the North, and held up to view a new government of a new nation, of which Virginia, should she pass an Ordinance of Secession, would become the chief corner-stone. The next day the commissioner from South Carolina declared that the people of his State believed the Union unnatural, and that no human force, no sanctity of human touch, could ever compel them to again unite with the people of the North. No such union could ever be effected unless the economy of God were changed.

On the 20th, a committee made a partial report showing that returns from all the counties of the State except sixteen had been received, and resulted in a majority of 52,857 in favor of submitting the action of the Convention to the people. On the 26th William L. Goggin, a delegate from Bedford county, delivered an eloquent oration, in which he denied the Right of Secession, but closed with the declaration that if Virginia went, he would go with her. March 2d, John Goode, Jr., also a delegate from Bedford, offered a resolution asserting that as the power delegated to the General Government by Virginia had been perverted to her injury, therefore every consideration of duty, interest, honor and patriotism required that Virginia

should declare her connection with the Government to be dissolved.

On the 9th, the Committee on Federal Relations made a lengthy report, in which it was set forth that any State had a constitutional right to withdraw from the Union whenever the people of that State chose to do so. On the 19th, the same committee reported a series of proposed amendments to the Federal Constitution, such as would be satisfactory to the people of the South. By these, Involuntary Servitude, except for crime, was to be prohibited north of 36° 30', but should not be prohibited by Congress or any Territorial legislation south of that line; the importation of slaves from places beyond the limits of the United States was to be prohibited; the granting of the elective franchise and right to hold office by persons of the African race was forbidden. April 6th, Wood Bouldin, a delegate from Charlotte, offered a substitute declaring that the independence of the seceded States should be acknowledged without delay, but it was lost—yeas, 68; nays, 71. On the 9th Henry A. Wise submitted a resolution to the effect that Virginia recognizes the independence of the Seceded States, which was adopted—yeas, 120; nays, 20.

At length the crisis came. On the 17th the Convention went into secret session. Wise addressed the body, and said that events were then transpiring which caused a hush to come over his soul. So they were. It was then a blaze of fire around Fort Sumter; the State authorities were preparing to seize the Federal navy-yard and property at Norfolk, and a force of nearly two thousand State troops, collected in the Shenandoah Valley, and doing the bidding of a mys-

terious power, were at that hour attempting the seizure of the Government Armory and Arsenal at Harper's Ferry, but the garrison destroyed most of the valuable property, and firing the buildings, fled into Maryland. At 1.30 P. M., Wednesday, the vote was taken, and the Ordinance of Secession was passed—yeas, 88; nays, 55.

Upon the announcement of the result, all East Virginia was wild with excitement. That night bonfires illumined the public squares of Richmond and Petersburg, and at the interior towns the booming of artillery, fired in celebration of the event, died away in prolonged echoes along the eastern base of the Blue Ridge. From the mountains to the sea all was enthusiasm. But how different was the scene on the west side of the Alleghenies. There anxious thousands impatiently awaited intelligence from the Capital city on the James. But none came, for there was at that time but one telegraph line connecting the east with the west, and that night it was broken at Harper's Ferry. On the streets of Morgantown, Clarksburg, Weston, and other interior towns, earnest men looked each other in the face only to see reflected back the feelings which agitated their own breasts. Nothing definite could be known in many of the counties until the arrival home of the delegates. Then a thrill of excitement shook the country from the Alleghenies to the Ohio, and a few days sufficed to fan into flame the jealousies of other years.

The following is the text of the Ordinance of Secession as it passed the Convention:—

AN ORDINANCE, To repeal the ratification of the

Constitution of the United States by the State of Virginia, and to resume all the rights and powers granted under the said Constitution.

THE PEOPLE OF VIRGINIA, in their ratification of the Constitution of America, adopted by them in convention on the 25th day of June, in the year of our Lord one thousand seven hundred and eighty-eight, having declared that the powers granted under the Constitution were derived from the people of the United States, and might be resumed whenever the same should be perverted to their injury and oppression, and the Federal Government having perverted said powers, not only to the injury of the PEOPLE OF VIRGINIA, but the oppression of the Southern slave-holding States.

Now, therefore, we, the People of Virginia, do declare and ordain, That the ordinance adopted by the people of this State in convention on the 25th day of June, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States was ratified, and all the acts of the General Assembly of this State ratifying or adopting amendments to said Constitution are hereby repealed and abrogated ; that the union between the State of Virginia and the States under the Constitution aforesaid is hereby dissolved, and the State of Virginia is in full possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent State. And they do further declare that said Constitution of the United States of America is no longer binding on any of the citizens of this State.

This ordinance shall take effect and be an act of this day, when ratified by a majority of the votes of the people of this State cast at a poll to be taken thereon

on the fourth Thursday in May next, in pursuance of a schedule hereafter to be enacted.

Done in Convention, in the city of Richmond, on the 17th day of April, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the Commonwealth of Virginia.

Attest:

JNO. L. EUBANK,
Secretary of the Convention.

Of the forty-six delegates from the territory now comprising West Virginia, twenty-nine voted against it, nine for it, seven were absent and one excused. Those who voted against it hastened to leave the city, and the same evening Chester D. Hubbard and Sherard Clemens, of Ohio County; John S. Carlisle, of Harrison; Marshall M. Dent, of Monongalia; John S. Burdette, of Taylor; Campbell Tarr, of Brooke, and George McC. Porter, took the first train north, and were in Washington City the next morning. Here they separated, Hubbard and Clemens, the latter of whom was still suffering from a wound received in a duel with O. Jennings Wise, proceeded to Baltimore, and thence by way of Harrisburg and Pittsburg to Wheeling, where they arrived early Friday morning, April 19th. Had they delayed a few days longer at Richmond, it is probable that they would have been detained, for those who remained until the next day, among them Waitman T. Willey, William G. Brown and James Burley, were required to obtain passes from the Governor; but the fact that so many had previously left, rendered it useless to detain others, and the permits were readily obtained. If, however, all had still been there, it is probable that they would not have been permitted to

leave, for it would have been an easy matter, and that without any violation of law or the rights of citizens, to have instructed the Sergeant-at-Arms to keep them under surveillance during the pleasure of the Convention. What effect this would have had upon the new State movement it is difficult to say.

On Friday Sherard Clemens was removed to his residence, a short distance in the country, and Saturday was spent by Union men of Wheeling in consultation as to what was to be done in the emergency, and in an unsuccessful effort to obtain arms from the armory at Pittsburgh. At night a meeting of Union men, for only such had been notified, was held at the American Hall, near the Fifth Ward Market. It was filled to its utmost capacity, and Chester D. Hubbard gave a faithful account of his stewardship, together with an account of the proceedings of the Richmond Convention. He urged the organization of Union men into companies, so that they could make their work effective. He then urged that, notwithstanding the next day was the Sabbath, and he had been taught from his childhood to respect it, the exigencies were such as to admit of no delay, and advised the formation of companies on that day. Accordingly two companies were formed, one at the American Hall and the other at the Hose House in the Fourth Ward. Officers were elected, and all were sworn with uplifted hand "To support the Constitution of the United States and the Old Flag." It was with difficulty that a Virginia official could be found to administer the oath, but at length A. S. Hallowell did it. It was the first oath ever administered on the soil of Virginia from which the obligation to support the Constitution of the State was omitted.

Monday morning, the 22d, the *Intelligencer* published a notice of the meeting and also of the organization of the companies, and the mayor of the city waited upon C. D. Hubbard to inquire what they were going to do. "Nothing," was the reply, "but keep the peace of the city." In the afternoon of that day a citizens' meeting was held at the Court House, and a resolution was offered urging the newly formed companies to unite with the police of the city, but the meeting adjourned without action. The next morning the resolution was again taken up, but so persistently opposed by the Union men, that a substitute was offered by Daniel Lamb, to the effect "That we pledge ourselves to do all we can to preserve the peace and order of the city, and to protect the persons and property of all persons whomsoever against any lawlessness or mob violence," which was adopted.

Meanwhile, the organization of companies continued in all parts of the city, and on Saturday the 27th, the officers of ten companies met at the Guard's Hose House and effected a regimental organization by electing the following officers: Chester D. Hubbard, Colonel; Thomas H. Logan, Lieutenant-Colonel; Andrew Wilson and S. H. Woodward, Majors, and James H. Paxton, Adjutant. The regiment had no arms or equipments except such as the men could themselves furnish, but notwithstanding, they held the city under their control and made possible the later proceedings which led to the formation of the State; and when the first regiment was being formed for active service, two of these companies, the "Rough and Ready Rifles," Captain A. H. Britt, and the "Iron Guards," Captain E. W. Stephens, enlisted almost to a man, and from

the remainder a sufficient number were enrolled to form three companies of the regiment which went to the field under Colonel B. F. Kelley.

While these events were transpiring in Wheeling, Campbell Tarr, the delegate from Brooke county to the Richmond Convention, reached home accompanied by John S. Carlisle, of Harrison county, and they were relating to interested hearers at Wellsburg and elsewhere, their recent experience. Both urged all lovers of the Union to make preparations for resistance of the Secession movement, not only at the ballot-box but by arms. Arms they had not, and to procure them a large assemblage of the people of Brooke and Hancock counties at Wellsburg, appointed, as a committee to go to Washington and procure arms the following named: Campbell Tarr, Adam Kuhn, Joseph Applegate and David Flemming. This committee at once left for the National Capital, and on their way, called on Governor Curtin of Pennsylvania, to whom they stated that their section of the State, in opposition to the wishes of its inhabitants, would be dragged out of the Union. He expressed sympathy for them on behalf of the people of Pennsylvania, and promised them armed assistance should they need it. Arriving in Washington, they called upon E. M. Stanton, with whom they were acquainted, he having been a resident of their neighboring town of Steubenville. Through him they were introduced to the Secretary of War, to whom they explained the object of their mission. The Secretary hesitated to comply with their request, but Stanton became security for them, and the committee joyfully secured two thousand stand of rifles with suitable ammunition, and returned to their friends, who,

thus supplied, determined to resist both invasion and all efforts to carry them out of the Union. These arms, except a small number retained at Wellsburg, were afterward sent to Wheeling, and part were used in equipping the 1st West Virginia Federal Regiment.

But the movement was not confined to the Panhandle counties. The excitement grew apace in other sections of the State. On the 17th of April, the day on which the Ordinance of Secession was passed, the citizens of Monongalia County convened at Morgantown, and in anticipation of the action of the Convention at Richmond, of which they had not yet learned, adopted a lengthy series of resolutions, declaring that "The time had come when every friend of the Union should rally to the support of the Flag of his country and defend the same; that the people of Monongalia, regardless of past party affiliations, hereby enter their solemn protest against the Secession of the State; that we owe undying fidelity to the Federal Union, and that we will cling to it despite the efforts of traitors to precipitate us into the gulf of secession and consequent ruin; that the idea of being thus severed from the Union of our fathers and attached to a Southern Confederacy is repulsive to every feeling and instinct of patriotism, and that we are unalterably opposed to such a measure; and further, that Western Virginia has patiently submitted to and borne up under the oppressive policy of Eastern Virginia for the last half century, as is shown in her denial to us of equal representation, and her refusal to bear an equal share of taxation; that now the measure of oppression is full, and if, as she claims, Secession is the only remedy for all real or supposed wrongs, then the day is near

when the West will arise in the majesty of its strength and repudiating its oppressors will dissolve all civil and political connection with the East and remain firmly under the Stars and Stripes." Then a vote of thanks to Waitman T. Willey and Marshall M. Dent, their representatives in the Richmond Convention, was passed, and they were instructed, in the event of the passage of the Ordinance of Secession, to propose a division of the State. Thus came from the people of Monongalia the first resolution relative to the formation of a new State. But they were soon followed by expressions of a similar sentiment, for on the 22d of April the people of Wetzel, assembled in mass meeting, declared by resolution, "That Secession is no remedy for the evils which afflict the country, and we pledge ourselves to oppose any act of Secession which will sever us from the Federal Government, and if the Convention by an Ordinance of Secession attempt to force us into a connection with the Gulf States, then, as citizens of Western Virginia, we will deem it a duty to ourselves and posterity to adopt such means and use such measures as will result in a division of the State."

Similar action, with expressions of a like sentiment, was taken in many other Western counties, among them being Taylor, Mason, Jackson and Wood, but thus far all had been independent action in the various counties. It remained for a call for united action to come from Clarksburgh—the birthplace of Stonewall Jackson. Here, on the 22d of April, 1861, nearly twelve hundred citizens of Harrison county convened in compliance with a call issued forty-eight hours previously. The meeting organized by electing John

Hursey, President, and J. W. Harris, Secretary. Before adjournment, the following preamble and resolutions were submitted and adopted without a dissenting voice :

WHEREAS, the Convention now in session in this State, called by the Legislature, the members of which had been elected twenty months before said call, at a time when no such action as the *assémblage* of a Convention by Legislative enactment was contemplated by the people, or expected by the members they elected in May, 1859, at which time no one anticipated the troubles recently brought upon our common country by the extraordinary action of the State authorities of South Carolina, Georgia, Alabama, Mississippi Louisiana and Texas, has, contrary to the expectation of a large majority of the people of this State, adopted an ordinance withdrawing Virginia from the Federal Union, and, whereas, by the law calling said Convention, it is expressly declared that no such ordinance shall have force or effect, or be of binding obligation upon the people of this State, until the same shall be ratified by the voters at the polls ; and, whereas, we have seen with regret that demonstrations of hostility unauthorized by law, and inconsistent with the duty of law-abiding citizens still owing allegiance to the Federal Government, have been made by a portion of the people of this State against the said Government ; and, whereas, the Governor of this Commonwealth has, by proclamation, undertaken to decide for the people of Virginia that which they had reserved to themselves the right to decide by their votes at the polls, and has called upon the volunteer soldiery of this State to report to him and hold themselves in readiness to make

war upon the Federal Government, which Government is Virginia's Government, and must in law and right continue to be, until the people of Virginia shall, by their votes, and through the ballot-box, that great conservator of a free people's liberties, decide otherwise; and, whereas, the peculiar situation of Northwestern Virginia, separated as it is by natural barriers from the rest of the State, precludes all hope of timely succor in the hour of danger, from other portions of the State, and demands that we should look to and provide for our own safety in the fearful emergency in which we now find ourselves placed by the action of our State authorities, who have disregarded the great fundamental principle upon which our beautiful system of Government is based, to wit: "That all Governmental power is derived from the consent of the governed;" and have, without consulting the people, placed the State in hostility to the Federal Government by seizing upon its ships and obstructing the channel at the mouth of Elizabeth river, by wresting from the Federal officers at Norfolk and Richmond the custom-houses, by tearing from the Nation's property the Nation's flag, and putting in its place a bunting, the emblem of rebellion, and by marching upon the National Armory at Harper's Ferry; thus inaugurating a war without consulting those in whose name they profess to act; and, whereas, the exposed condition of Northwestern Virginia requires that her people should be united in action, and harmonious in purpose—there being perfect identity of interests in time of war as well as in peace—therefore, be it

Resolved, That it be and is hereby recommended to the people in each and all of the counties composing

Northwestern Virginia, to appoint delegates, not less than five in number, of their wisest, best and discreetest men, to meet in convention at Wheeling, on the 13th day of May next, to consult and determine upon such action as the people of Northwestern Virginia should take in the fearful emergency.

Resolved, That Hon. John S. Carlisle, W. P. Goff, Hon. Charles S. Lewis, John J. Davis, Thomas L. Moore, S. S. Flemming, Lot Bowen, Dr. William Dunkin, William E. Lyon, Felix Sturm and James Lynch, be and are hereby appointed delegates to represent this County in said Convention.

CHAPTER XXII.

THE FIRST WHEELING CONVENTION.

Virginia's Military Force placed under the Direction of the President of the Confederate States.—Meeting of Citizens in Berkeley County.—Convention convened in Washington Hall, Wheeling.—The Men composing it.—Organization of the Body.—Committees Appointed.—The Members divided on the Question of the Formation of a New State.—Work of the Convention.—Adjournment.

THE same day on which the Richmond Convention passed the Ordinance of Secession, that body adopted and ratified the Constitution of the Provisional Government of the Confederate States of America, the same to cease to have legal effect in Virginia, should her people reject the Ordinance of Secession. On the 25th of April, an article of agreement was entered into between Alexander H. Stephens, Commissioner for the Confederate States, and John Tyler, William B. Preston, Samuel McD. Moore, James P. Holcombe, James C. Bruce and Lewis E. Harvie, on the part of Virginia, stipulating that "Virginia, until she become a member of the Confederacy, should place her military force under the direction of the President of the Confederate States, and also turn over to the authorities of the same, all her public property, naval stores, and munitions of war." This latter action secured to the Confederate army many men who otherwise would not have entered its ranks. But they belonged to companies which had been organized immediately after the Harper's Ferry Insurrection, and were regularly en-

listed in the State service, at the command of whose authorities they marched to the field.

In compliance with recommendations of the Clarksburgh Convention to the several counties composing Northwestern Virginia, to appoint not less than five delegates of "their wisest, best and discreetest men" to meet in Convention at Wheeling, a number of the counties held mass meetings and made the necessary appointments. Days seemed weeks, but at last the time arrived and the morning of the 13th day of May, 1861, witnessed a gathering in the city of Wheeling of the most determined men that ever assembled on the banks of the Ohio. They were men characterized by motives similar to those which actuated the determined spirits of the Revolution—men determined to save Western Virginia to the Federal Union, to keep it sheltered beneath the folds of the flag of this Western Republic. They were men accustomed to the peaceful avocations of life, but now aroused by a spirit of patriotism to one of righteous revolution.

At eleven o'clock, A. M., what is known as the First Wheeling Convention assembled in Washington Hall, and the report of the Committee on Credentials showed the following to be entitled to seats, together with the counties represented by them :—

Hancock County.—George McC. Porter, W. L. Crawford, Louis R. Smith, J. C. Crawford, B. J. Smith, Thomas Anderson, William B. Freeman, W. C. Murray, J. L. Freeman, John Gardner, George Johnston, J. S. Porter, James Stevenson, J. S. Pomeroy, R. Brene-man, David Donahoo, D. S. Nicholson, Thayer Melvin, Ewing Turner, James H. Pugh, H. Farnsworth, James G. Marshall, Samuel Freeman, John Mahan,

David Jenkins, William Hewitt, William Brown, A. Moore, D. C. Pugh, Jonathan Allison, John H. Atkinson, Joseph W. Allison.

Brooke County.—Adam Kuhn, David Hervey, Campbell Tarr, Nathaniel Wells, J. R. Burgoine, James Archer, Jesse Edgington, R. L. Jones, James A. Campbell, Robert Nichols, Joseph Gist, John G. Jacob, Eli Green, J. D. Nichols, Bazaal Wells, M. Walker.

Ohio County.—L. S. Delaplain, J. R. Stifel, G. L. Cranmer, Alfred Caldwell, John McLure, Jr., Andrew Wilson, George Forbes, A. J. Woods, T. H. Logan, James S. Wheat, George W. Norton, N. H. Garrison, E. Buchanan, John Pierson, T. Witham, E. McCaslin, A. B. Caldwell, J. R. Hubbard, A. F. Ross, W. B. Curtis, John Stiner, Daniel Lamb, C. D. Hubbard, S. H. Woodward, J. W. Paxton, A. Handlan, S. Waterhouse, J. Hornbrook, L. D. Waitt, John K. Botsford, George Bowers, Robert Crangle, J. M. Bickel, James Paull, John C. Hoffman, Jacob Berger, A. Bedillion, Sr., J. C. Orr.

Marshall County.—John H. Dickey, John Parkinson, Thomas Morris, W. Alexander, John Laughlin, W. T. Head, J. S. Parriott, W. J. Purdy, H. C. Kemple, Joseph Turner, Hiram McMechen, E. H. Caldwell, James Garvin, L. Gardner, H. A. Francis, Thomas Dowler, John R. Morrow, William Wasson, Nat. Wilson, Thomas Morgan, S. Dorsey, Jr., R. B. Hunter, J. W. McCarriher, J. B. Morris, R. C. Holliday, William Collins, W. R. Kimmons, G. W. Evans, William McFarland, J. Hornbrook, John Reynolds, R. Swan, J. B. Hornbrook, James Campbell, F. Clement, J. Winders, William Baird, Dr. Marshman, William Luke, J. Garvin, S. Ingram, William Phillips, A. Francis,

Thomas Wilson, Lot Enix, G. Hubbs, John Wilson, John Ritchie, J. W. Boner, J. Alley, S. B. Stidger, Asa Browning, Samuel Wilson, J. McCondell, A. Bonar, D. Price, G. W. Evans, D. Roberts, Thomas Dowler, R. Alexander, E. Conner, Charles Snediker, John Winters, Nathan Fish, V. P. Gorby, Alfred Gaines, J. S. Riggs, Alexander Kemple, Joseph McCombs.

Wetzel County.—T. E. Williams, Joseph Murphy, Elijah Morgan, William Burrows, B. T. Bowers, J. R. Brown, J. M. Bell, Jacob Young, Reuben Martin, R. Reed, Sr., Richard Cook, A. McEldowney, B. Vancamp, John McClaskey, S. Stephens, R. W. Lauck, John Alley, Thomas McQuown, George W. Bier, William D. Welker, R. S. Sayres.

Tyler County.—D. D. Johnson, Daniel Sweeney, V. Smith, W. B. Kerr, J. C. Parker, James M. Smith, J. H. Johnson, Isaac Davis, S. H. Hawkins, D. King, William Pritchard.

Harrison County.—John S. Carlisle, Thomas L. Moore, John J. Davis, S. S. Fleming, Felix S. Sturm, James Lynch, William E. Lyon, Lot Bowen, Dr. Duncan, W. P. Goff, B. F. Shuttleworth.

Pleasants County.—Friend Cochran, Robert Parker, R. A. Cramer, James Williamson.

Wood County.—S. L. A. Burche, J. J. Jackson, J. D. Ingram, A. Laughlin, W. Vroman, J. C. Rathbone, G. E. Smith, D. K. Baylor, M. Woods, Andrew Als, Joseph Dagg, Jr., N. W. Warlow, Peter Riddle, John Paugh, T. E. McPherson, Thompson Leach, S. S. Spencer, E. Deem, N. H. Colston, A. Hinckley, Bennett Cook, George W. Henderson, George Loomis, J. L. Padgett, S. D. Compton, S. M. Peterson, G. H. Ralston, V. A. Dunbar, A. R. Dye, W. H. Baker, William Johnston,

Jr., Jesse Burche, S. Ogden, Sardis Cole, P. Reed, John McKibben, W. Athey, C. Hunter, R. H. Burke, W. P. Davis, George Compton, C. M. Cole, Roger Tiffins, Edward Hoit, W. B. Caswell, Peter Dils, W. F. Henry, A. C. McKinsey, Rufus Kinnard, J. J. Jackson, Jr., J. J. Neal, T. Hunter, M. P. Amiss, J. Barnett, T. S. Conley, C. J. Neal, J. G. Blackford, Henry Cole, W. E. Stevenson, Jesse Murdock, J. Burche, J. Morrison, A. H. Hatcher, A. Mather, C. B. Smith, Arthur Drake, H. Rider, B. H. Bukey, John W. Moss, R. B. Smith.

Monongalia County.—Waitman T. Willey, James Evans, Leroy Kramer, W. E. Hanaway, William Lazier, Elisha Coombs, George McNeeley, H. Deering, Dr. H. N. Mackey, Evans D. Fogle, J. T. M. Laskey, J. T. Hess, Charles H. Burgess, John Bly, William Price, Dr. A. Brown, Dr. J. R. Boughner, E. P. Fitch, E. B. Taggart, A. Garrison, Dr. John McCarl, J. A. Wiley, Joseph Snyder, J. Bowlsby, Amos S. Bowlsby, A. Derranet, N. C. Vandervort, Daniel White, Dr. D. B. Dorsey, Jacob Miller, Dr. Isaac Scott, Marshall M. Dent, Rev. P. T. Laishley, E. P. St. Clair, W. B. Shaw, P. L. Rice, Joseph Jolliff, William Anderson.

Preston County.—H. C. Hagans, R. C. Crooks, W. H. King, James W. Brown, Charles Hooten, Summers McCrum, W. B. Linn, W. J. Brown, Reuben Morris, D. A. Letzinger, John Howard, G. H. Kidd, James A. Brown, William P. Fortney.

Jackson County.—A. Flesher, D. Woodruff, C. M. Rice, George Leonard, J. F. Scott, G. L. Kennedy, J. V. Rowley.

Marion County.—R. R. Brown, J. C. Beeson, J. Holman, Thomas H. Bains, Hiram Haymond, H. Merry-

field, Joshua Carter, G. W. Joliff, John Chisler, Thomas Hough, William Beatty, James C. Beatty, Aaron Hawkins, Jacob Streams, Francis H. Pierpont, Jesse Shaw.

Mason County.—Joseph S. Machir, Lemuel Harpold, William E. Wetzel, John Godley, Wyatt Willis, William W. Harper, William Harpold, Daniel Polsley, Samuel Davies, J. N. Jones, Samuel Yeager, R. C. M. Lovell, B. J. Rollins, D. C. Sayre, Charles H. Bumgardner, John O. Butler, Timothy Russell, John Hall, A. A. Rogers, William Hopkins, Eugene B. Davis, David Rossin, Asa Brigham, Charles B. Waggener, John M. Phelps, Stephen Comstock, W. C. Starr, John Greer, Apollo Stevens, Major Brown.

Upshur County.—W. H. Williams, C. P. Rohrbaugh.

Wirt County.—Henry Newman, E. T. Graham, B. Ball.

Ritchie County.—N. Rexroad, D. Rexroad, J. P. Harris, A. S. Cole.

Hampshire County.—O. D. Downey, George W. Broski, Dr. B. B. Shaw, George W. Sheetz, George W. Rizer.

Barbour County.—E. H. Menafee, Spencer Dayton, J. H. Shuttleworth.

Doddridge County.—J. Cheveront, S. S. Kinney, J. Smith, J. A. Foley, J. P. F. Randolph.

Berkeley County.—A. R. McQuilkin, J. W. Dailey, J. S. Bowers.

Roane County.—Irwin C. Stump.

Lewis County.—T. M. Chalfant, A. S. Withers, J. W. Hudson, P. M. Hale, J. Woofter, W. L. Grant, J. A. J. Lightburn.

Taylor County.—J. Means, J. M. Wilson, J. Kennedy,

T. Cather, John S. Burdett, J. J. Allen, B. Bailey, G. R. Latham, T. T. Monroe, J. J. Warren.

Wayne County.—W. W. Brumfield, C. Spurlock, F. Moore, W. H. Copley, Walter Queen.

The body was called to order by Chester D. Hubbard, on whose motion William B. Zinn, of Preston County, was made temporary President; George R. Latham, of Taylor County, was appointed temporary Secretary. Then, before beginning the business for which they had assembled, an aged minister, Rev. Peter T. Laishley, himself a delegate from Monongalia County, addressed the Supreme Ruler of the Universe, pleading for divine guidance in the deliberations of the Convention. A Committee on Permanent Organization was then appointed, which, at the opening of the afternoon session, reported as follows: For President, John W. Moss, of Wood county; for Secretaries, Charles B. Waggener, of Mason; Marshall M. Dent, of Monongalia, and J. Chandler, of Ohio county. The President was escorted to the chair and addressed the Convention. He urged careful and calm deliberation upon the momentous questions to be answered by the people of Northwestern Virginia, whose sentiments he voiced by declaring undying fidelity to the Federal Union, and a determination, if need be, to divide the State rather than to follow the eastern section into the gulf of secession and consequent ruin.

The following committee, consisting of one from each county, was then appointed on State and Federal Relations: Waitman T. Willey, of Monongalia county; Campbell Tarr, of Brooke; John S. Carlisle, of Harrison; J. J. Jackson, of Wood; Charles Hooten, of Preston; Daniel Lamb, of Ohio; George McC. Por-

ter, of Hancock ; Joseph S. Machir, of Mason ; D. D. Johnson, of Tyler ; James Scott, of Jackson ; G. W. Bier, of Wetzel ; R. C. Holliday, of Marshall ; A. S. Withers, of Lewis ; E. T. Graham, of Wirt ; F. H. Pierpont, of Marion ; S. Dayton, of Barbour ; G. S. Senseny, of Frederick ; John S. Burdett, of Taylor ; A. R. McQuilkin, of Berkeley ; S. Cochran, of Pleasants ; Irwin C. Stump, of Roane ; S. Martin, of Gilmer ; Asbury B. Rohrbaugh, of Upshur ; O. D. Downey, of Hampshire ; Mr. Foley, of Ritchie.

The second day was spent in a heated debate as to the best plan of immediate action, and it was found that the body was nearly equally divided upon this subject. One party, headed by John S. Carlisle, of Harrison, favored such action as would result in immediate division of the State, and some of them bore banners upon which was inscribed, "New Virginia, Now or Never." They were determined to at once adopt a Constitution, form a government for the counties represented and fill the offices by temporary appointment. This plan, revolutionary in character as it was, became popular with the majority of the Convention, and those who dared to oppose it were charged with being disloyal to the interests of the people they were representing. Still, there were brave men there—men of high resolve and unquenchable zeal and patriotism—who dared to espouse the cause of the minority and point out the difference between spasmodic disruption and legalized resistance. Among them were Adam Kuhn, Campbell Tarr, Nathaniel Wells, J. D. Nichols and Joseph Gist, of Brooke county ; Waitman T. Willey, of Monongalia ; and John Hall and Daniel Polsley, of Mason. Throughout the

third day these men maintained the fight, declaring that while the present State officers, by their adherence to the Secession Ordinance, had forfeited their powers, and that inasmuch as the Constitution contained no provision applicable to the condition, that the only course to pursue was to appeal to the People, the only source of power known to the Constitution, and ask them to send delegates to a Convention with power to fill the vacant offices, rendered so by the participation of the incumbents in rebellion. Further, they argued that inasmuch as the people had not yet ratified the Ordinance of Secession, Virginia still had a government recognized by the Constitution of the United States, and that the Federal Government would not recognize a State thus formed in direct violation of the National Constitution. Acrimonious debate continued until late at night, when it was interrupted by the Committee on Resolutions begging permission to report through its chairman, Campbell Tarr. The report was a skilled blending of all opinions. The preamble reviewed the recent action of the Richmond Convention and declared unqualified opposition to the same, and that in event of the ratification of the Ordinance of Secession by the people, the counties here represented and all others disposed to do likewise, were recommended to elect delegates on the 4th of June ensuing, to a general convention to meet on the 11th of the same month, the business of which should be to devise such measures as the safety and welfare of the people should demand. Each county was authorized to appoint a number of delegates equal to twice the number of its representatives in the next General Assembly, and the senators and representatives elected

on the fourth Thursday of May at the general election as members of the General Assembly of Virginia, should be entitled to seats in the Convention. Then it was set forth as a political axiom, that government is instituted for the purpose of securing the greatest amount of good to the greatest number of those governed, and that, if the State inaugurated a policy so utterly subversive and destructive of the interests of Northwestern Virginia, then would the people appeal to the legally constituted authorities of Virginia, to let them separate from the eastern part of the State and form a government for themselves that should be more subservient to their interests.

The report elicited but little discussion and was adopted with but two dissentient voices. A central committee was appointed as follows: John S. Carlisle, James S. Wheat, Chester D. Hubbard, Francis H. Pierpont, Campbell Tarr, George R. Latham, Andrew Wilson, S. H. Woodward and James W. Paxton. Then a single voice was heard amid the silent multitude; it was that of earnest prayer beseeching the blessing of Heaven upon the work performed. A thousand voices united in singing the Star-Spangled Banner and the Convention adjourned.

On the same day on which the Convention assembled in Wheeling, a large number of the citizens of Berkeley county met in mass meeting at Martinsburg, and, in a series of resolutions which were unanimously adopted, warned their brethren of the State, that if they persisted in the work of secession, a division of Virginia would be inevitable; that the only allegiance they owed was to a union of free States, and that they would vote against the Ordinance of Secession.

CHAPTER XXIII.

THE SECOND WHEELING CONVENTION.—THE REORGANIZED GOVERNMENT.

The Vote on the Ordinance of Secession—Election of Delegates—Members of the General Assembly admitted to Seats—Meeting of the Body—Roll of Members—Organization—The Committee on Order of Business—It Reports "A Declaration of the People of Virginia"—An Ordinance for the Reorganization of the State Government—State Officers chosen—Adjournment—Meeting of the General Assembly under the Restored Government.

FROM the time of the adjournment of the first Wheeling Convention until the 23d day of May, that on which the vote upon the Ordinance of Secession was taken, the entire State was wild with excitement. Never before had the two sections of any American commonwealth been arrayed against each other in such determined opposition. Throughout the eastern portion of the State the feeling was almost unanimous in favor of secession, whilst in the western counties that against it amounted to almost an absolute passion. But, notwithstanding the excited condition of the people, the election took place without serious breaches of the peace. In the counties now composing West Virginia 44,000 votes were cast, of which 40,000 were against the Ordinance. In some of the Ohio river counties the vote was as twenty-two against it to one in favor of it. The result disclosed the unanimity of the people, and all opposition to the prevailing sentiment ceased. Again the subject of a new State be-

came the absorbing topic, and the greatest interest was manifested in the election to take place on the 4th of June, at which time the delegates to the Second Wheeling Convention were chosen. There was a full vote in nearly all of the western counties and full delegations were returned. The members of the General Assembly, who were entitled to seats in the convention, had been elected at the general election in May.

At length the time arrived, and what is known as the "Second Wheeling Convention" convened in Washington Hall in that city, June 11, 1861, and on the next day the Committee on Credentials reported through their chairman "that they have examined the credentials of members, so far as they have been produced before the Committee, and that the following named gentlemen are entitled to seats in this body, as members thereof, whether as members of the General Assembly, elected on the 23d of May, 1861, or as delegates appointed to this convention only, that is to say, from—

Barbour County—N. H. Taft, member of Assembly, and John H. Shuttleworth and Spencer Dayton, delegates to the Convention.

Brooke—Joseph Gist, senator, H. W. Crothers, member of Assembly, and John D. Nicholls and Campbell Tarr, delegates.

Cabell—Albert Laidley, member of Assembly.

Monongalia—Leroy Kramer and Joseph Snyder, members of Assembly, and Ralph L. Berkshire, William Price, James Evans and D. B. Dorsey, delegates.

Ohio—Thomas H. Logan and Andrew Wilson, members of Assembly, and Daniel Lamb, James W. Paxton, George Harrison and Chester D. Hubbard, delegates.

Pleasants and Ritchie—James W. Williamson, member of Assembly, and C. W. Smith and William Douglas, delegates.

Preston—Charles Hooten and William Zinn, members of Assembly, and William B. Crane, John Howard, Harrison Hagans and John J. Brown, delegates.

Randolph and Tucker—Solomon Parsons and Samuel Crane, delegates.

Roane—T. A. Roberts, delegate.

Taylor—Lemuel E. Davidson, member of Assembly, and John S. Burdette and Samuel B. Todd, delegates.

Upshur—D. D. T. Farnsworth, member of Assembly, and John L. Smith and John Love, delegates.

Wayne—William Radcliffe, member of Assembly, and W. W. Brumfield and William Copley, delegates.

Wetzel—James G. West, member of Assembly, and Reuben Martin and James P. Ferrell, delegates.

Wirt—James A. Williamson, member of Assembly, and Henry Newman and E. T. Graham, delegates.

Wood—John W. Moss, member of Assembly, and Arthur I. Boreman and Peter G. Van Winkle, delegates.

Alexandria—Henry S. Martin and James T. Close, delegates.

Fairfax—John Hawxhurst and Eben E. Mason, delegates.

Hardy—John Michael, delegate.

Hampshire—James Carskadon, senator, and Owen D. Downey, George W. Broski, James H. Trout and James J. Barracks, delegates.

Doddridge and Tyler—William I. Boreman, member of Assembly, and Daniel D. Johnson and James A. Foley, delegates.

Gilmer—Henry H. Withers, delegate.

Hancock—George McC. Porter, member of Assembly; John H. Atkinson, William L. Crawford, delegates.

Harrison—Chapman J. Stewart, senator, and John J. Davis and John C. Vance, members of Assembly, and John S. Carlisle, Solomon S. Fleming, Lot Bowen and Benjamin F. Shuttleworth, delegates.

Jackson—Daniel Frost, member of Assembly, and James F. Scott and Andrew Flesher, delegates.

Kanawha—Lewis Ruffner, member of Assembly, and Greenbury Slack, delegate.

Lewis—P. M. Hale and J. A. J. Lightburn, delegates.

Marion—Richard Fast and Fountain Smith, members of Assembly, and Francis H. Pierpont, John S. Barnes, A. F. Ritchie and James O. Watson, delegates.

Marshall—Remembrance Swan, member of Assembly, and C. H. Caldwell, and Robert Morris, delegates.

Mason—Lewis Wetzel, member of Assembly, and Charles B. Waggener and Daniel Polsley, delegates.

A permanent organization was effected. Arthur I. Boreman, of Wood county, was chosen president and G. L. Cranmer became secretary. Through the kindness of the latter, the rolls of the two Wheeling conventions, above given, have been supplied for this work. The president appointed the following-named a Committee on Order of Business: Copley, of Wayne, Farnsworth, of Upshur, Porter, of Hancock, Frost, of Jackson, Caldwell of Marshall, Polsley, of Mason, Berkshire, of Monongalia, Van Winkle, of Wood, Hagans, of Preston, Pierpont, of Marion, Lamb, of Ohio, Carlisle, of Harrison. The president was added.

Two days later this Committee reported the following, which was unanimously adopted three days later:

"A DECLARATION OF THE PEOPLE OF VIRGINIA REPRESENTED IN CONVENTION AT THE CITY OF WHEELING, THURSDAY, JUNE 13, 1861.

The true purpose of all government is to promote the welfare and provide for the protection and security of the governed, and when any form or organization of government proves inadequate for or subversive of this purpose, it is the right, it is the duty of the latter to abolish it. The Bill of Rights of Virginia, framed in 1776, reaffirmed in 1830, and again in 1851, expressly reserves this right to a majority of her people. The act of the General Assembly calling the convention which assembled in Richmond in February last, without the previously expressed consent of such majority, was therefore a usurpation; and the convention thus called has not only abused the powers nominally intrusted to it, but, with the connivance and active aid of the executive, has usurped and exercised other powers, to the manifest injury of the people, which, if permitted, will inevitably subject them to a military despotism.

The convention, by its pretended ordinances, has required the people of Virginia to separate from and wage war against the government of the United States, with whom they have heretofore maintained friendly, social and business relations.

It has attempted to subvert the Union founded by Washington and his co-patriots in the purer days of the Republic, which has conferred unexampled prosperity upon every class of citizens and upon every section of the country.

It has attempted to transfer the allegiance of the

people to an illegal confederacy of rebellious States, and required their submission to its pretended edicts and decrees.

It has attempted to place the whole military force and military operations of the Commonwealth under the control and direction of such confederacy, for offensive as well as defensive purposes.

It has, in conjunction with the State executive, instituted, wherever their usurped power extends, a reign of terror intended to suppress the free expression of the will of the people, making elections a mockery and a fraud.

The same combination, even before the passage of the pretended ordinance of secession, instituted war by the seizure and appropriation of the property of the Federal Government, and by organizing and mobilizing armies, with the avowed purpose of capturing or destroying the capital of the Union.

They have attempted to bring the allegiance of the people of the United States into direct conflict with their subordinate allegiance to the State, thereby making obedience to their pretended ordinances treason against the former.

We, therefore, the delegates here assembled in convention to devise such measures and take such action as the safety and welfare of the loyal citizens of Virginia may demand, have maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy commonwealth must be reduced unless some regular adequate measure is speedily adopted, and appealing to the Supreme Ruler of the universe for the rectitude of our intentions, do hereby, in the name and on the behalf of the good

people of Virginia, solemnly declare that the preservation of their dearest rights and liberties, and their security in person and property, imperatively demand the reorganization of the government of the Commonwealth, and that all acts of said Convention and Executive, tending to separate this Commonwealth from the United States, or to levy and carry on war against them, are without authority and void; and that the offices of all who adhere to the said Convention and Executive, whether legislative, executive, or judicial, are vacated."

On the 14th, the Convention began the work of reorganizing the government of Virginia, and on the same day the committee reported the following Ordinance, which was adopted on the 19th, without a dissenting voice:—

AN ORDINANCE FOR THE REORGANIZATION OF THE STATE GOVERNMENT.

The people of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain as follows:—

1. A governor, lieutenant-governor, and attorney-general, for the State of Virginia, shall be appointed by this Convention, to discharge the duties and exercise the powers which pertain to their respective offices by the existing laws of the State, and to continue in office for six months, or until their successors be elected and qualified, and the General Assembly is required to provide by law for an election of governor and lieutenant-governor by the people as soon as in their judgment such election can be properly held.

2. A council, to consist of five members, shall be appointed by this Convention, to consult with and ad-

wise the governor respecting such matters pertaining to his official duties as he shall submit for their consideration, and to aid in the execution of his official orders. Their term of office shall expire at the same time as that of the governor.

3. The delegates elected to the General Assembly on the 23d day of May last, and the senators entitled under existing laws to seats in the next General Assembly, together with such delegates and senators as may be duly elected under the ordinances of this Convention, or existing laws, to fill vacancies, who shall qualify themselves by taking the oath or affirmation hereinafter set forth, shall constitute the Legislature of the State, to discharge the duties and exercise the powers pertaining to the General Assembly. They shall hold their offices from the passage of this ordinance until the end of the terms for which they were respectively elected. They shall assemble in the City of Wheeling on the first day of July next, and proceed to organize themselves as prescribed by existing laws, in their respective branches. A majority in each branch, of the members qualified as aforesaid, shall constitute a quorum to do business. A majority of the members of each branch, thus qualified, voting affirmatively, shall be competent to pass any act specified in the twenty-seventh section of the fourth article of the constitution of the State.

4. The governor, lieutenant-governor, attorney-general, members of the Legislature, and all officers now in the service of the State, or of any county, city or town thereof, or hereafter to be elected or appointed for such service, including the judges and clerks of the several courts, sheriffs and commissioners of the reve-

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nue, justices of the peace, officers of the city and municipal corporations, and officers of militia, and officers and privates of volunteer companies of the State, not mustered into the service of the United States, shall each take the following oath or affirmation before proceeding in the discharge of their several duties :—

“I do solemnly swear—or affirm—that I will support the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, anything in the constitution and laws of Virginia, or in the ordinances of the Convention which assembled at Richmond on the thirteenth of February, eighteen hundred and sixty-one, to the contrary notwithstanding; and that I will uphold and defend the government of Virginia as vindicated and restored by the Convention which assembled at Wheeling on the eleventh day of June, eighteen hundred and sixty-one.”

3. If any elective officer, who is required by the preceding section to take such oath or affirmation, fail or refuse so to do, it shall be the duty of the Governor, upon satisfactory evidence of the fact, to issue his writ declaring the office to be vacant, and providing for a special election to fill such vacancy at some convenient and early day to be designated in said writ; of which due publication shall be made for the information of the persons entitled to vote at such election; and such writ may be directed, at the discretion of the Governor, to the sheriff or sheriffs of the proper county or counties, or to a special commissioner or commissioners to be named by the Governor for the purpose. If the officer who fails or refuses to take such oath or affirmation be appointed by the Governor, he shall fill the vacancy without writ, but if such officer

be appointed otherwise than by the Governor or by election, the writ shall be issued by the Governor, directed to the appointing power, requiring it to fill the vacancy.

ARTHUR I. BOREMAN, *President.*

G. L. CRAMNER, *Secretary.*

The next day, June 20th, the Convention proceeded to the election of officers, as provided for by the first section of the Ordinance. The chief executive came first, and Francis H. Pierpont, of Marion county, was unanimously elected Governor of Virginia; Daniel Polsley, of Mason, was elected Lieutenant-Governor, and James S. Wheat, of Ohio county, was chosen Attorney-General. Under the second section of the Ordinance, Peter G. Vanwinkle, of Wood; Daniel Lamb, of Ohio; William Lazier, of Monongalia; William A. Harrison, of Harrison, and J. T. Paxton, of Ohio, were chosen members of the Governor's council. James S. Wheat discharged the duties of Adjutant-General for a month, when H. J. Samuels, of Cabell county, was appointed to that position, and occupied the same until the formation of the New State. An ordinance was adopted requiring the General Assembly, as soon as convenient, to elect an Auditor of Public Accounts, a Treasurer and Secretary of the Commonwealth.

J. H. Hagans, 1st West Virginia Report, p. 63, says that: "Having reorganized the Government, and elected a chief executive officer, and provided for the election of all other officers, civil and military, the labors of the Convention were evidently drawing to a close. Nothing had been done that appeared to

directly inaugurate the popular movement for the formation of a new State. In reality, however, the true theory had been adopted, and the only legitimate mode of arriving at the most desirable result had been conceived and acted upon by the Convention. If the government, thus restored, was acknowledged by the Federal authorities as the only government in Virginia, then the legislative branch of it could give its assent to the formation of a new State, as provided for by the Constitution of the United States. Leaving the great question to be adjusted at a subsequent day, the Convention adjourned on the 20th of June, to meet on the first Tuesday in August."

MEETING OF THE GENERAL ASSEMBLY.

The third clause of the ordinance, passed June 19th, provided for the meeting of the General Assembly on the 1st day of July, the members of which had been duly chosen at the general election on the 23d day of May, and in pursuance of the ordinance, that body convened at Wheeling on the day appointed. The session was held in the Custom house, in which the offices of the Governor and other State officers had been located. Upon calling the roll, it was ascertained that there were thirty-one members present. A speaker and clerk were chosen, after which the Governor's message was received. In it he reviewed, at considerable length, the action of the Richmond Convention, the history of the movements which led to the reorganization of the State Government and his own election. He informed the House that he had entered into a correspondence with the President of the United States, and informed him of the circum-

stances surrounding the loyal Government of Virginia, and had received from him, through the Secretary of War, assurances that all constitutional aid would be promptly rendered.

Accompanying the message, were copies of communications received from the Secretary of the Interior, certifying to the apportionment of representation to which Virginia was entitled in the Thirty-eighth Congress, according to the census of 1860. The attention of the Assembly was called to the fact that the President, in a proclamation recently issued, had declared vacant the seats of all representatives from Virginia in the Congress of the United States, by reason of their active participation in the effort to overthrow the Federal Government, and he recommended that the Assembly at once proceed to fill such vacancies by the election of members who should apply for seats in the National Congress, as representatives of Virginia under the Restored Government.

The General Assembly, on the 9th of July, went into an election, and on joint ballot elected L. A. Hagans, of Preston county, Secretary of the Commonwealth; Samuel Crane, of Randolph, Auditor of Public Accounts, and Campbell Tarr, of Brooke, Treasurer. They then proceeded to ballot for United States Senators, which resulted in the election of John S. Carlisle, of Harrison, and W. T. Willey, of Monongalia, as the successors of R. M. T. Hunter and James M. Mason, who had resigned their seats in that body. They, together with the representatives—William G. Brown, Jacob B. Blair and Kellian V. Whaley—from the three congressional districts west of the mountains,—who had been elected at the same time the members of the

General Assembly were chosen, at once proceeded to Washington, where "They were admitted to seats in the respective houses as Senators and Representatives from Virginia." On the 24th of July, the Assembly, having finished the business before it, adjourned.

Thus the machinery of the Restored Government was in complete working order ; but this did not satisfy the people, many of whom had for years entertained the fond hope that some time their relations with the East should be severed, and a new State, independent of Virginia, should rise, west of the Alleghenies. All felt that the auspicious moment had now come, and it was impressed upon the members of the Convention, which was to re-assemble August 6th, 1861, that there was but one duty to perform, and that was to perfect the organization of a new State.

CHAPTER XXIV.

THE NEW STATE OF KANAWHA.

A Government without Money—Governor Pierpont borrows on the Credit of his own private Fortune—Military Seizure of the State Funds deposited in the Exchange Bank of Weston—Money due Virginia from the National Government collected—Reassembling of the Convention, August 6th—The Action of the Richmond Convention declared Null and Void—Ordinance providing for the Formation of a New State—Vote upon the Same—Delegates to a Constitutional Convention elected.

WHEN Governor Pierpont assumed the duties of the position to which he had been chosen, he was without office furniture or money. He occupied a vacant room in the Custom-House ; some one brought pen, ink and a quire of paper. Soon after the meeting of the Assembly in July, it was reported that it would adjourn for the reason that there were no funds and the members were without money. Should it do so, all would be lost. The morning after the proposed adjournment was reported to the Governor, he resolved to borrow ten thousand dollars on his own private credit, and asked Peter G. Van Winkle if he would indorse his notes. He promptly replied that he would, and the two went to the Merchants' and Mechanics' Bank of Wheeling and informed Mr. Brady, the cashier, that they wished to see him and Mr. Lamb, cashier of the Northwestern Bank, together. He was soon present and the Governor informed them that "a government without money was of no account," and that he wanted ten thousand dollars—five thousand from each bank.

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Mr. Brady replied that it was a rule of his bank not to loan to a State without an affirmative vote of the directors. Then said the Governor: "I do not want to borrow it on the credit of the State. I propose giving my personal note for the amount and Mr. Van Winkle will indorse it. If our government succeeds, you are sure of your money in sixty or ninety days, and, if it fails, your money is not worth a cent on the dollar." Mr. Brady replied by saying: "Governor, you are a good negotiator. You shall have the money." Mr. Lamb retired and in a day or two informed the Governor that five thousand dollars had been placed to his credit in the Northwestern Bank. Thus the embarrassment was relieved, and what had been doubt and despair gave way to assurance and hope.

Early in the spring of 1861 the Richmond State Government sent thirty thousand dollars in specie to Weston, where it was deposited in the Exchange Bank of Virginia, to be used in paying for material and work on the Trans-Allegheny Asylum at that place. On the morning of the 1st of July, 1861, Governor Pierpont appointed John List agent to repair to Weston and secure the money, and at the same time telegraphed General Rosecrans, then in command of the Federal troops at Clarksburgh, requesting him to detail a detachment of cavalry for twenty-four hours' secret service. List reached Clarksburgh in the afternoon and found the troops in readiness. Leaving that town at dark, the long silent ride continued throughout the night, and at daylight on the morning of the 2d the roads leading to and from Weston were strongly picketed. List called on the cashier and

demanded the money. The latter claimed that there was a large amount due for labor. List, however, took twenty-eight thousand dollars, and with his escort, returned to Clarksburgh, whence he conveyed the money to Wheeling. It was placed in the banks in that city. The president and cashier of the Weston bank followed, and the matter was at length adjusted by the Wheeling banks giving to the Weston bank credit for the amount, and in addition, for the premium on specie. The money was afterward used in building the Weston Asylum.

On the 14th day of March, 1862, the Richmond Legislature passed an act, in the preamble to which it is recited, that "an armed military force, as public enemies, entered the vaults of the Exchange Bank of Virginia, and took therefrom about twenty-seven thousand dollars of its specie, and that the said military expedition operated under and in pursuance of orders from an usurped authority, claiming to be a government established within the limits of Virginia, without authority of the Legislature; and further, that the money so abstracted was deposited in one or more of the banks of this Commonwealth, located in the city of Wheeling, whose officers were co-operating with and professing allegiance to said usurped government, and had notice of the ownership and robbery of such money." The bill then proceeds to declare how Jonathan M. Bennett, treasurer of the asylum, may proceed to recover the money.

On the 4th day of September, 1841, the Federal Congress passed an act providing for the payment, to the several States, of the proportion of each, due from the sale of public lands. Virginia had never drawn

the amount due her, and the Assembly under the Restored Government, at its July session, 1861, passed a joint resolution instructing the executive to appoint one or more persons to receive the money due, which then amounted to forty thousand dollars. In compliance with this act, Governor Pierpont appointed A. W. Campbell, Daniel Lamb, and J. W. Paxton, agents on the part of the Restored Government of Virginia, who received and receipted for the same.

REASSEMBLING OF THE CONVENTION.

August 6th, 1861, the Convention reassembled at Wheeling. Three days later it adopted an Ordinance declaring that: "All ordinances, acts, orders, resolutions and other proceedings of the Convention which assembled at Richmond on the thirteenth day of February last, being without the authority of the people of Virginia constitutionally given, and in derogation of their rights, are hereby declared illegal, inoperative, null, void, and without force or effect." The body, however, hastened to the performance of its chief work—that of preparing for the formation of a New State—and on the 20th adopted the following:—

ORDINANCE TO PROVIDE FOR THE FORMATION OF A NEW STATE OUT OF A PORTION OF THE TERRITORY OF THIS STATE.

WHEREAS, It is represented to be the desire of the people inhabiting the counties hereinafter mentioned to be separated from this Commonwealth, and to be erected into a separate State, and admitted into the union of States, and become a member of the United States :—

1. The people of Virginia, by their delegates assembled in convention at Wheeling, do ordain that a new State, to be called the State of KANAWHA, be formed and erected out of the territory included within the following-described boundary: beginning on the Tug fork of Sandy river, on the Kentucky line where the counties of Buchanan and Logan join the same; and running thence with the dividing lines of said counties and the dividing line of the counties of Wyoming and McDowell to the Mercer county line, and with the dividing line of the counties of Mercer and Wyoming to the Raleigh county line; thence with the dividing line of the counties of Raleigh and Mercer, Monroe and Raleigh, Greenbrier and Raleigh, Fayette and Greenbrier, Nicholas and Greenbrier, Webster, Greenbrier and Pocahontas, Randolph and Pocahontas, Randolph and Pendleton, to the southwest corner of Hardy county; thence with the dividing line of the counties of Hardy and Tucker, to the Fairfax Stone; thence with the line dividing the States of Maryland and Virginia, to the Pennsylvania line; thence with the line dividing the States of Pennsylvania and Virginia, to the Ohio river; thence down said river and including the same, to the dividing line between Virginia and Kentucky, and with the said line to the beginning; including within the boundaries of the proposed new State the counties of Logan, Wyoming, Raleigh, Fayette, Nicholas, Webster, Randolph, Tucker, Preston, Monongalia, Marion, Taylor, Barbour, Upshur, Harrison, Lewis, Braxton, Clay, Kanawha, Boone, Wayne, Cabell, Putnam, Mason, Jackson, Roane, Calhoun, Wirt, Gilmer, Ritchie, Wood, Pleasants, Tyler, Doddridge, Wetzel, Marshall, Ohio, Brooke and Hancock. It was provided that the boun-

daries thus described might be so changed as to include within the proposed State, the counties of Greenbrier and Pocahontas, or either of them, and also the counties of Hampshire, Hardy, Morgan, Berkeley and Jefferson, or any one of them, and also such other counties as lie contiguous to the said boundaries ; if they or any one of them, by a majority of the votes cast, shall declare their wish to form part of the proposed State. It was further provided that an election should be held at the several voting places in the counties included in the above boundaries, on the fourth Thursday of the ensuing October, for the purpose of determining the sense of the people concerning the question of the formation of a new State. A separate poll was to be taken at the same time for the election of delegates, whose duty it should be, in case the majority was in favor of the new State, to assemble at the City of Wheeling, on the 26th of November, 1861, for the purpose of framing a constitution for the same. The returns were to be made to the Secretary of the Commonwealth at Wheeling, when the Governor, having ascertained the result to be in favor of the new State, was to make proclamation of the same not later than the 15th of November, and at the same time issue a call for the delegates to convene for the purpose of framing a State Constitution. The work being completed, the body adjourned August 21, 1861.

Virginia, during the autumn of 1861, presented a scene having no parallel in the political history of any American Commonwealth. All the territory east of the mountains lay within the jurisdiction of the Richmond Government, at the head of which was Governor John Letcher, itself tributary to the government of the Con-

federate States. Over the territory west of the mountains, the Restored Government, with its capital at Wheeling, exercised authority and proclaimed allegiance to the Federal Government. In addition to these rival administrations, there existed in the domain lying between the Alleghenies and the Ohio a germ from which was being developed a new commonwealth. Its chief promoters were men who saw in the ultimate triumph of the Federal arms, a return of Virginia to the Union and a continued exercise of what they termed the tyrannical domination of the East over the West. This they had opposed for half a century, and now they were determined to avail themselves of the opportunity, and by the location of a State line along the crest of the Alleghenies, secure a complete and permanent separation of the two sections. History tells how well they succeeded.

The vote was taken in October, as prescribed by the Ordinance of the Convention, and as canvassed by the Secretary of the Commonwealth and proclaimed by the Governor, stood eighteen thousand four hundred and eight for the new State, and seven hundred and eighty-one against it. The returns showed that in Hampshire county polls had been opened at but two precincts—Piedmont and New Creek—the vote standing one hundred and ninety-five in favor of the new State, and eighteen against it. It also appeared that polls had been opened at but two precincts in Hardy county, where there were one hundred votes for the new State and none against it. Delegates to the Constitutional Convention were elected in all the counties then within the present limits of the State, except Monroe, Webster, Berkeley, Jefferson, Greenbrier, Pocahontas and Calhoun.

CHAPTER XXV.

THE CONSTITUTIONAL CONVENTION.

Meeting of the Body—Its Organization—Roll of Members—Proposed Name of the State changed from "Kanawha" to "West Virginia"—The Subject of Slavery—The "Battelle Resolutions"—The Same rejected by the Convention—Report of John A. Dille—The Constitution referred to the People—Its Ratification—Informal Vote upon the Second of the Battelle Resolutions.

ON the 15th of November, 1861, Governor Pierpont issued a call requesting the delegates of the Constitutional Convention to assemble November 26th, in compliance with the requirements of the Ordinance of August 30th. In accordance therewith, that body assembled in the Federal court room at Wheeling, and was called to order by Chapman J. Stewart, of Doddridge county. The permanent organization resulted in the election of John Hall, of Mason, as President, Ellery R. Hall, of Taylor county, Secretary, and James C. Orr, of Ohio county, Sergeant at-arms.

The following are the names, together with the counties represented, of the men who framed the first Constitution for West Virginia:—

Raleigh county, Stephen M. Hansley; Wetzel, R. W. Lauck; Lewis, Robert Irvine; Clay, Benjamin S. Stephenson; Harrison, Thomas W. Harrison and John M. Powell; Putnam, Dudley S. Montague; Upshur, Richard L. Brooks; Ritchie, A. J. Wilson; Braxton, G. F. Taylor; Wayne, W. W. Brumfield; Randolph, Josiah Simmons; Pleasants, Joseph Hubbs; Gilmer, William W. Warder; Roane, H. D. Chapman, Mason, John Hall; Brooke,

James Hervey; Boone, Robert Hager; Monongalia, Waitman T. Willey and Henry Dering; Wood, P. G. Van Winkle and William E. Stevenson; Marion, E. B. Hall and Hiram Haymond; Ohio, J. W. Paxton, Daniel Lamb and Gordon Battelle; Hancock, Joseph S. Pomeroy; Tyler, Abraham D. Soper; Tucker, James W. Parsons; Doddridge, Chapman J. Stewart; Cabell, Granville Parker; Barbour, Emmet J. O'Brien; Taylor, Harmon Sinsel; Preston, John J. Brown and John A. Dille; Jackson, E. S. Mahon; Wirt, Benjamin F. Stewart; Hampshire, Thomas R. Carskadon and George W. Sheets; Logan, Benjamin H. Smith; Braxton, Gustavus F. Taylor; Marshall, E. H. Caldwell and T. H. Trainer; Hardy, Abijah Dolly; Fayette, James S. Cassady; Wyoming, William Walker; Kanawha, Lewis Ruffner and James H. Brown; Mercer, R. M. Cook; McDowell, J. P. Hoback; Nicholas, J. R. McCutchen.

On the 1st of February, 1862, James S. Cassady, of Fayette, resigned, and the vacancy was filled by the appointment of E. W. Ryan. On the 18th of the same month, James H. Brown, of Kanawha, resigned and the vacancy was not filled.

As has been seen, the Ordinance providing for the formation of a new State, declared that it should be called "Kanawha." For a State bearing that name, the work of preparing a Constitution began, but on the 3d day of December, when the first section of the first article was read as follows: "The State of Kanawha shall be and remain one of the United States of America," Sinsel, the delegate from Taylor county, moved to strike out the word "Kanawha." A lengthy debate ensued, but the motion was finally adopted, yeas 30,

nays 14. Then on motion of Daniel Lamb, the Convention proceeded to fill the blank. The roll was called and the vote recorded as follows :—

For "West Virginia"—Messrs. John Hall, President—Brumfield, Caldwell, Carskadon, Cassady, Dille, Dolly, Hansley, Haymond, Hubbs, Hervey, Hagar, Irvine, Lauck, Mahon, O'Brien, Parsons, Parker, Sinsel, Simmons, B. F. Stewart, C. J. Stewart, Sheets, Soper, Taylor Trainer, Willey, Walker, Warder, Wilson—30

For "Kanawha"—Messrs. Brown, of Kanawha, Battelle, Chapman, Harrison, Lamb, Montague, Paxton, Ruffner, Van Winkle—9.

For "Western Virginia"—Messrs. Brooke and Powell—2.

For "Allegheny"—Messrs. Pomeroy and Stevenson, of Wood—2.

For "Augusta"—Mr. Brown, o. Preston—1.

So the blank was filled by inserting "West Virginia." Thus was the name changed, and it seems that while the members were determined to sever their political connection with the "Old Dominion," they were not willing to abandon the name of "Virginia."

The subject of slavery was one of exciting interest. The question to be determined by the Convention was whether it should be perpetuated by the constitution, or whether that instrument should provide for its gradual extinction. Between these views, the body was almost equally divided. Those adhering to the former, claimed that Congress, the President and his Cabinet, desired that the subject should be entirely ignored in the State Constitution, while those entertaining the latter view, stoutly affirmed that the New

State would never be admitted into the Union unless her organic law provided for gradual emancipation. These latter based their claim upon the belief that Congress would never create two slave States out of one, and thereby increase the slave power in the United States Senate by the addition of two members from the New State.

On the 14th of December, Gordon Battelle, one of the delegates from Ohio county, offered the following, since known as the "Battelle Resolutions:"—

"Resolved, That at the same time when this constitution is submitted to the qualified voters of the proposed New State, to be voted for or against, an additional section to Article XI, in the words following:—

1. "No slave shall be brought, or free person of color come into this State for permanent residence, after this Constitution goes into operation;—"

2. "That all children born of slave mothers after the year eighteen hundred and seventy, shall be free; the males at the age of twenty-eight and the females at eighteen; and the children of such females shall be free at birth; shall be separately submitted to the qualified voters of the new State for their adoption or rejection; and if a majority of the votes cast for and against said additional section are in favor of its adoption, it shall be made a part of Article XI. of this Constitution, and not otherwise."

On the same day this resolution was "tabled without day" by a vote of twenty-four yeas, nays twenty-three. Thus the matter rested until February 12, 1862, when John A. Dille, of Preston, reported the following, which was adopted by a vote of forty-eight yeas, nays one:—

"No slave shall be brought or free person of color

come into this State for permanent residence after this Constitution goes into operation "

Thus the Constitution was completed with this the only reference to the "peculiar institution" in it. The third Thursday of April was fixed as that upon which the vote upon the Constitution should be taken. John Hall, James W. Paxton, Peter G. Van Winkle, Elbert H. Caldwell and Ephraim B. Hall were appointed commissioners to cause to be published the Constitution and schedule, and the body adjourned on the 18th of February, 1862, subject to be reconvened by the last named commissioners on such day as they might prescribe.

The election occurred at the specified time and resulted in the adoption of the Constitution by a vote of eighteen thousand eight hundred and sixty-two in its favor and five hundred and fourteen against it.

Immediately after the adjournment of the Convention, the friends of the "Battelle Resolutions" were much disappointed because of the failure to secure the incorporation of the second one in the Constitution. Notwithstanding, they resolved to submit it to the people at the April election; this they did in a number of counties, the movement being principally superintended by Granville Parker, of Cabell county. The result showed a vote of about six thousand in favor of its insertion as a part of the Constitution. The vote, though informal, was an expression of public sentiment, encouraging to the promoters of the movement.

CHAPTER XXVI.

THE STATE ADMITTED INTO THE UNION.

Act of Assembly Granting Permission to Form a New State within the Limits of Virginia—Commissioners to bring the Subject before Congress—Their Arrival at Washington—The Work of other West Virginians at the National Capital—The Subject Presented in the Senate—Referred to the Committee on Territories—The Bill Prepared by John S. Carlisle and Reported by the Committee—Carlisle's Opposition to the Measure—The "Willey Amendment"—The Bill of Hon. William G. Brown—The Senate Passes the Bill—Its Friends and Enemies in that Body—Postponement in the House—Its Final Passage by the Same—Approved by the President—The Constitution Referred Back to the Convention—Again Ratified by the People—The President's Proclamation.

GOVERNOR PIERPONT issued his proclamation announcing the result of the vote on the ratification of the Constitution, and at the same time, convened the General Assembly in extra session. That body met in the city of Wheeling, May 6, 1862, and on the 12th of the same month passed an act giving its consent to the formation and erection of a New State within the jurisdiction of Virginia.

All eyes now turned toward Washington City. There was to be the scene of final action, the result of which would be the realization or disappointment of the fondest hopes of the friends of the New State, who were determined to secure, if possible, its admission into the Union before the adjournment of the second session of the Thirty-seventh Congress. In that body sat Waitman T. Willey and John S. Carlisle as Senators, and Kellian V. Whaley, William G. Brown and Jacob B. Blair as representatives from Virginia,

under the Reorganized Government. Each was relied upon as a firm friend of the movement.

The commissioners appointed to bring the matter before Congress were John Hall, of Mason ; James Paxton, of Ohio county; Elbert H. Caldwell, of Marshall ; Peter G. Van Winkle, of Wood, and Ephraim B. Hall, of Marion. Supplied with copies of the ratified Constitution and the Act of Assembly granting permission to form the State, they proceeded at once to the National Capital, where they arrived May 22, 1862. They were accompanied by several West Virginians, who went at their own expense, and did all possible to aid in the movement ; among them were Harrison Hagans, of Preston ; Granville Parker, of Cabell, and Daniel Polsley, of Mason, the latter the Lieutenant-Governor of Virginia under the Reorganized Government. In addition, the commissioners received valuable assistance from Hon. Ralph Leete and John Campbell, of Lawrence county, Ohio, who introduced them to the Senators and Representatives from that State.

On the 25th of May, Senator Willey laid the matter before the United States Senate, by which body it was at once referred to the Committee on Territories, of which Benjamin F. Wade, of Ohio, was Chairman, and John S. Carlisle, the other Virginia Senator, a member. To the latter was assigned the work of preparing and reporting the bill providing for the admission of the State. Now for the first time, notwithstanding the fact that in 1861, he had been one of the principal actors in the New State movement, it became evident that he was an enemy to the same. His opposition was first made apparent by his delay in the preparation of the

bill. Nothing was heard of it until the 23d day of June, when it came from the committee, and if any one still entertained a doubt of his hostility to the measure, the text of his report must have removed it. It was known as "Senate Bill No. 365," and may be seen entire by reference to the *Congressional Globe*, for 1862, page 2942. The friends of the measure were completely astounded, for by it, all that had been done by the people was lost, rendered of no effect. It provided first, that in addition to the counties named in the Constitution, fifteen others, viz.: Berkeley, Jefferson, Clarke, Frederick, Warren, Page, Shenandoah, Rockingham, Augusta, Highland, Bath, Rockbridge, Botetourt, Craig and Allegheny, should be included within the limits of the New State. A second provision was that when an "Enabling Act" should be passed, these counties, together with those west of the Alleghenies, should elect members to a convention to be held at as early a date as possible, and should then have power to frame a constitution to be submitted to the people of the several counties for ratification, and if by them ratified, and the Assembly of Virginia pass an act assenting to the formation of the State of West Virginia, then the Governor of Virginia shall certify the same to the President of the United States, who shall by proclamation announce the fact, and West Virginia shall be one of the United States without further action by the Congress thereof. But the fatal clause was that which provided that "all children born of slave parents within the New State, after July 4, 1863, should be free." When Carlisle drew the bill, he knew that in the fifteen Valley counties which he proposed to add, there existed almost as great hostility

to the New State as was to be found in any section of Eastern Virginia, and that the people residing within them would never frame and ratify a constitution containing a clause which provided for the gradual extinction of slavery.

June 26, Senator Wade called up the bill, whereupon Charles Sumner protested against the Gradual Emancipation Clause, and proposed to insert instead thereof the following from the Ordinance of 1787, providing for the organization of the North-Western Territory: "Within the State there shall be neither slavery nor involuntary servitude other than in punishment of crime whereof the party is convicted." This, it was believed the people of the proposed State would not accept, especially if the provisions of the "Carlisle Bill" were retained.

The most earnest friends and supporters of the measure were now almost dismayed. Carlisle had thrown off the mask and openly proclaimed his opposition. Willey stood firm, but seemed almost powerless to act amid the hostility apparent on all sides. Brown, Blair and Whaley, though still entertaining hope, were nearly forced to the conclusion that the movement was dead, the latter giving expression to the belief that the bill in its present form would not receive a single vote in the Lower House.

Determined to make yet another effort, Senator Willey, on the 1st of July, again called up the bill. A heated discussion ensued, in which Senators Wade, Hale, Collamar, and Willey participated, the latter of whom closed by submitting what was known as the "Willey Amendment." This was really a substitute for the Carlisle Bill. It omitted the fifteen counties

which the latter incorporated within the confines of the proposed State, and contained Senator Wade's amendment, "that all slaves under twenty-one years of age, the 4th day of July, 1863, shall be free on arriving at that age." Carlisle now saw that his efforts to defeat the bill in the Senate would prove abortive, and delivered a speech in favor of postponing further action on the subject until the first Monday in the following December. His address brought eloquent replies from Senators Wade and Ten Eyck, and Carlisle's motion for postponement was lost by a vote of 23 to 17.

Meanwhile, Hon. William G. Brown, one of Virginia's representatives in the Lower House, fearing the failure of the measure in the Senate, prepared, and on the 26th of June—five days before Senator Willey called up the bill the last time—submitted a Bill in the House, the provisions of which Senator Willey accepted together with amendments. The following is a complete text of the Bill as it came up for final action in the Senate :—

AN ACT FOR THE ADMISSION OF WEST VIRGINIA INTO
THE UNION.

"WHEREAS the people inhabiting that portion of Virginia known as West Virginia, did, by a Convention assembled in the city of Wheeling on the twenty-sixth of November, eighteen hundred and sixty-one, frame for themselves a Constitution with a view of becoming a separate and independent State ; and whereas, at a general election held in the counties composing the territory aforesaid, on the third day of May last, the said Constitution was approved and adopted by the qualified voters of the proposed State ; and whereas,

the Legislature of Virginia, by an act passed on the thirteenth day of May, eighteen hundred and sixty-two, did give its consent for the formation of a new State within the jurisdiction of the said State of Virginia, to be known by the name of West Virginia, and to embrace the following named counties, to wit: Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Tyler, Pleasants, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Calhoun, Roane, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Mercer, McDowell, Webster, Pocahontas, Fayette, Raleigh, Greenbrier, Monroe, Pendleton, Hardy, Hampshire and Morgan; and whereas, both the Legislature and the Convention aforesaid have requested that the New State should be admitted into the Union, and the Constitution aforesaid being republican in form, Congress doth hereby consent that the said forty-eight counties may be formed into a separate and independent State: Therefore,

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of West Virginia be and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever, and until the next general census shall be entitled to three members in the House of Representatives of the United States: *Provided always,* that this act shall not take effect until after the proclamation of the President of the United States hereinafter provided for.

"It being represented to Congress that since the

Convention of the twenty-sixth of November, eighteen hundred and sixty-one, that framed and proposed the Constitution for the said State of West Virginia, the people thereof have expressed a wish to change the seventh section of the eleventh article of the said Constitution by striking out the same and inserting the following in its place, namely: 'The children of slaves born within the limits of this State after the fourth day of July, eighteen hundred and sixty-three, shall be free; and that all slaves within the said State who shall, at the time aforesaid, be under the age of ten years, shall be free when they arrive at the age of twenty-one years; and all slaves over ten and under twenty-one years shall be free when they arrive at the age of twenty-five years; and no slave shall be permitted to come into the State for permanent residence therein:' Therefore,

SEC. 2. "*Be it further enacted*, That whenever the people of West Virginia shall, through their said Convention, and by a vote to be taken at an election to be held within the limits of said State, at such time as the Convention may provide, make and ratify the change aforesaid, and properly certify the same under the hand of the President of the Convention, it shall be lawful for the President of the United States to issue his proclamation stating the fact, and thereupon this act shall take effect and be in force from and after sixty days from the date of said proclamation."

The vote on its final passage in the Senate was as follows:—

Yeas.—Messrs. Anthony, Clarke, Collamar, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, Lane, of Indiana, Lane, of Kansas, Morrill, Pomeroy,

Rice, Sherman, Simmons, Ten Eyck, Wade, Wilkinson, Willey, and Wilson, of Massachusetts—23.

Nays.—Messrs. Bayard, Browning, Carlisle, Chandler, Cowan, Davis, Howard, Kennedy, King, McDougall, Powell, Saulsbury, Stark, Sumner, Trumbull, Wilson, of Missouri, and Wright—17.

Thus the bill passed the Senate by a majority of six.

The most earnest friends of the measure in the Senate were Willey, of Virginia; Wade, of Ohio; Collamar, of Vermont; Hale, of New Hampshire; Fessenden, of Maine; Ten Eyck, of New Jersey; Pomeroy and Lane, of Kansas, and Wilkinson, of Minnesota. The most active in opposition were Carlisle, of Virginia; Bayard, of Delaware; Trumbull and Wilson, of Missouri, and Sumner, of Massachusetts.

It has been seen that Carlisle voted against the bill. The General Assembly, in session at Wheeling, on the 12th of December, 1862, after reciting in a lengthy preamble "that the Hon. John S. Carlisle * * * *, by his speeches and vote in the Senate, opposed the bill for the admission of West Virginia into the Union," passed the following joint resolution:—

"Resolved, By the General Assembly, That inasmuch as he has neither regarded the instructions aforesaid, nor the will of the loyal people of the State, he is hereby respectfully requested to resign his seat."

From the Senate the bill went to the House, in which it was reported July 16th, six days after its passage in the Senate. Adjournment was near at hand, and the same day it was postponed until the second Tuesday in the ensuing December, by a vote of 63 to 33. But the friends of the measure were far from

being discouraged ; the bill had passed the Senate, and they were assured by many members of the House that it should have their support at the ensuing session.

On the 9th day of December, 1862, the General Assembly, sitting at Wheeling, passed a joint resolution declaring: "That feeling the greatest anxiety and interest in the successful issue of the movement for a new State in West Virginia, we earnestly request the House of Representatives of the United States to take up and pass, without alteration or amendment, the bill which passed the Senate of the United States on the 10th of July last."

This resolution was telegraphed to Washington the same evening, and the next morning William G. Brown called up the bill in the House of Representatives, it having been put in charge of Hon. John A. Bingham, of Ohio. A spirited debate ensued, continuing throughout the day and until late in the evening, when a vote was reached and resulted as follows :—

Yeas.—Messrs. Aldrich, Arnold, Babbitt, Baker, Baxter, Beaman, Bingham, Jacob B. Blair, S. S. Blair, Blake, William G. Brown, Buffington, Burnham, Campbell, Casey, Chamberlain, Clarke, Clements, Colfax, Frederick A. Conkling, Covode, Cutler, Davis, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Fenton, Samuel C. Fessenden, Thomas A. D. Fessenden, Franchot, Frank, Goodwin, Gurley, Haight, Hale, Harrison, Hickman, Hooper, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Killinger, Lansing, Lehman, Loomis, Lovejoy, Low, McKnight, McPherson, Maynard, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Noell, Olin, Patton, Timothy G. Phelps, Pike, Pomeroy, Porter, Potter, John H. Rice,

Riddle, Edward H. Rollins, Sargent, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Stratton, Trimble, Trowbridge, Van Horn, Van Valkenburgh, Van Wyck, Verree, Walker, Wall, Washburne, Whaley, Albert S. White, Wilson, Windon, and Worcester—96.

Nays.—Messrs. William J. Allen, Alley, Ancona, Ashley, Bailey, Biddle, Cobb, Roscoe Conkling, Conway, Cox, Cravens, Crisfield, Crittenden, Delano, Delaplaine, Diven, Dunlap, Gooch, Granger, Grider, Hall, Harding, Holman, Johnson, Kerrigan, Knapp, Law, Mallory, Menzies, Morris, Noble, Norton, Odell, Pendleton, Price, Alexander H. Rice, Richardson, Robinson, James S. Rollins, Segar, Shiel, Smith, John B. Steele, William G. Steele, Stiles, Benjamin F. Thomas, Francis Thomas, Train, Vallandigham, Voorhees, Ward, Chilton A. White, Wickliffe, Wright, and Yeaman—55.

The most active advocates of the bill in the House were William G. Brown, Kellian V. Whaley and Jacob B. Blair, of Virginia; Schuyler Colfax, of Indiana; Stevens, of Pennsylvania; Edwards, of New Hampshire; Olin, of New York; Sheffield, of Rhode Island; Noell, of Missouri; Maynard, of Tennessee, and Hutchins and Bingham, of Ohio, the latter of whom made one of the best efforts of his life in behalf of the bill. Its most violent opposers were Segar, of Virginia; Conway, of Kansas; Dawes, of Massachusetts, and Crittenden, of Kentucky.

When the bill went to President Lincoln, he requested the opinion of each member of his Cabinet in writing. Harlin was absent from the city, but the other six responded, and it appeared that Seward, Chase and Stanton recommended its approval, while Wells, Blair

and Bates opposed it. With his advisers thus equally divided, the President jocosely remarked that it only illustrated an idea which he had entertained for some time, viz., that "A President is as well off without a Cabinet as with one." Congressman Jacob B. Blair, who was untiring in his efforts to secure the success of the measure, called on the President on the evening of the 31st of December, and was told by him to call in the morning and receive a "New Year's Gift." Impatience combined with anxiety led the Congressman to call at the White House at an early hour, before the doors were opened. The President met him at a window, and, exhibiting the bill with his signature affixed, remarked, "Here is the New Year's Gift I promised you."

As has been seen, the second clause of the bill admitting the State required the Convention, which framed the State Constitution, to again assemble and change the seventh section of the eleventh article of the same, relative to the gradual extinction of slavery. This done, the Constitution thus amended was to be a second time submitted, and if ratified, then the President of the Convention should certify the same to the President of the United States, who should then issue proclamation of the same, and sixty days thereafter West Virginia should be one of the United States.

In compliance therewith, President Hall issued a call reconvening the Convention, and that body assembled in Wheeling on the 12th of February, 1863. Hon. John Hall being absent, Hon. A. D. Soper, of Tyler county, was elected President. The Constitution was so changed as to meet the requirements of Congress, an address to the people prepared, March 26th, 1863,

fixed as the date for the vote upon the revised Constitution, and the Convention adjourned.

At the ensuing election a large vote was polled. The soldiers voted in the field wherever it was practicable, the Fourth West Virginia Federal Infantry depositing their ballots in a box improvised for the purpose in the trenches before Vicksburg. The election resulted in a majority of seventeen thousand in favor of ratification.

In the meantime John S. Carlisle, who had refused to resign his seat, continued his opposition to the measure, doing all possible to retard its progress when he was unable to defeat it. On the 14th of February he presented a supplementary bill in the Senate providing that the President's Proclamation declaring West Virginia admitted into the Union shall not be issued until the "counties of Boone, Logan, Wyoming, Mercer, McDowell, Pocahontas, Raleigh, Greenbrier, Monroe, Pendleton, Fayette, Nicholas and Clay, now in possession of the so-called Confederate Government, and over which the Restored Government of the State of Virginia has not been extended, have voted on and ratified the condition contained in said act." On the 26th of February the Senate voted on this bill, and it was defeated by a vote of 28 to 12.

The result of the vote on the amended Constitution was certified to President Lincoln, and he issued his proclamation on the 20th of April. When, therefore, the sixty days expired—June 20, 1863—West Virginia began her career as a member of the Federal Union.

CHAPTER XXVII.

ORGANIZATION OF THE NEW STATE GOVERNMENT.

State and County Officers Elected—Inauguration of the Same—The Reorganized Government Moved to Alexandria and Thence to Richmond—Its Character—How West Virginia Obtained Jurisdiction over Berkeley and Jefferson Counties—Legislative and Judicial Proceedings Relative to the Same—Boundaries of the State and Area thereof.

ON the 9th day of May preceding the termination of the sixty days specified in the President's message, a State Convention assembled at Parkersburg for the purpose of nominating officers for the new Commonwealth. On the same day General Jones at the head of a Confederate force, reached Burning Springs, forty-two miles distant from Parkersburg, and a motion was offered by one of the members of the body to adjourn to Marietta, Ohio, but it was defeated, and the following nominations were made: For Governor, Arthur I. Boreman, of Wood county; Auditor, Samuel Crane, of Randolph; Treasurer, Campbell Tarr, of Brooke; Secretary of State, J. Edgar Boyers, of Tyler; Attorney-General, A. Bolton Caldwell, of Ohio county; Judges of the Supreme Court of Appeals, Ralph L. Berkshire, of Monongalia, William A. Harrison, of Harrison, and James H. Brown, of Kanawha. All were elected without opposition on the fourth Thursday of the same month, at which time, judges of the Circuit Courts were elected in nine of the ten Judicial Districts as then existing; viz.: First District, E. H. Caldwell; Second, John A. Dille; Third, Thomas W. Harrison;

Fourth, Chapman J. Stewart; Fifth, Robert Irvine; Sixth, George Loomis; Seventh, Daniel Polsley; Eighth, Henry J. Samuels; Tenth, John W. Kennedy. Members of the Legislature together with county officers were also elected in all the counties of the State except those occupied by the Confederate forces.

The 20th of June arrived, and on that day the State Government machinery was put in force and the jurisdiction and authority of the Old Dominion ceased in all the territory lying between the Alleghenies and the Ohio. There had arisen a New Dominion, small in area, but because of its vast mineral resources, destined to be a prominent factor in the great commercial interests of the Union of which the new State had become a member.

On the fourth Thursday in May, 1863, the day on which the new State officers were chosen, Governor Pierpont, who previously had held his position by appointment or election by the Convention, was elected Governor of Virginia by a vote of the people for the term of three years beginning January 1st, 1864, and as such continued at the head of the Restored Government. Immediately after the organization of the new State Government, he moved the archives of the Restored Government to Alexandria, on the Potomac, which henceforth continued to be the rallying centre of Unionism in Virginia, until the 25th day of May, 1865, when the seat of Government was a second time removed; this was from Alexandria to Richmond, after which the Restored Government became the recognized authority throughout Virginia, the Confederate State Government ceasing to exist.

Upon the arrival of Governor Pierpont at Richmond

he was visited by citizens from all parts of the State, from whom he learned something of the extent of their misfortunes, to remedy which, as far as possible, he convened the General Assembly in extra session. Supplied by that body with a contingent fund, he relieved the destitution prevailing at the Western Lunatic Asylum, and the Institution for the Deaf, Dumb and Blind, at Staunton. He made many appointments to public position without reference to party affiliations. Governor Pierpont remained in office beyond the limit of his term, serving until April 16th, 1868, when he was succeeded by Henry H. Wells, and retired to his home at Fairmont, having by his conciliatory administration done much toward removing the bitter animosities engendered by civil war.

Much has been written regarding the informal character of the proceedings—legislative and executive—of the Restored Government. It is true that in much of the territory over which it asserted jurisdiction, the people neither had nor desired to have a voice in said government. This is evident when we examine the legislative records. In 1862, there were in Virginia fifty Senatorial Districts, of which only the following were represented in the Senate which convened at Wheeling on the second day of December that year; Thirty-second District, represented by James Carskadon; Thirty-third, Greenbury Slack, Forty-fifth, Andrew Flesher; Forty-sixth, Chapman J. Stewart; Forty-seventh, James Burley; Forty-eighth, Blackwell Jackson; Forty-ninth, Thomas Cather; Fiftieth, Joseph Gist. In addition G. F. Watson occupied a seat as the representative of Accomack and Northampton counties on the Eastern Shore, and James T. Close sat in the

same capacity for Fairfax and Alexandria. Nor was it different in the Lower House. There sat members representing counties in which no election for delegates had been held. But while this is true, it is no less so of the Richmond State Government. In its legislative halls were representatives from counties west of the Alleghenies, which had elected delegates to the Wheeling Assembly, and in one instance, at least, a delegate thus chosen, instead of repairing to the latter city proceeded to Richmond, where he was regularly reported by the Committee on Credentials, as entitled to a seat in the Assembly then in session in that city and duly seated and accredited as the representative of a county bordering on the Ohio river. Indeed, the title to a seat in the legislative bodies of both the National and Confederate Governments, was in some instances at this time as questionable as that in the similar departments of the rival Virginia governments. John A. Bingham of Ohio, in a speech in the National House of Representatives, in 1862, stated that Mr. Segar then occupying a seat in that body as the representative of the Accomack District of Virginia, did so basing his claim thereto upon the fact that at the last election in that district, *twenty-five* votes had been polled, all of which Mr. Segar had received, and this too in a district in which, two years before, nearly twenty thousand votes had been cast. Nor is the case different when we turn to the archives of the Confederate Government, for it there appears that representatives from both Kentucky and Missouri occupied seats in the Senate, although neither State ever passed an ordinance of secession.

Berkeley and Jefferson counties were not included in West Virginia at the time of the ratification of the

Constitution and did not, therefore, vote upon the question. The Assembly under the Restored Government passed an act, January 31st, 1863, for the former and another on the ensuing 4th of March for the latter, providing that an election should be held on the fourth Thursday in May following, at the several voting places in the two counties, when the voters thereof might determine whether they should be included in West Virginia, and if a majority of the votes polled were in favor of the same, the Governor of Virginia should then certify the result to the Governor of West Virginia. This was done, and on the 5th of August, 1863, the Legislature passed an act consenting to the admission of Berkeley, and by a similar enactment, November 2d following, Jefferson was also made a part of the New State.

No further action was taken in the matter until the autumn of 1865, when the returned Confederate soldiers expressed a preference for the jurisdiction of Virginia rather than West Virginia. In accordance with this view, preparations were made for opening the polls in Jefferson on the 12th of October, in the above mentioned year, for the election of members of the Assembly of Virginia, that being the day set apart in the proclamation of the Governor of that State for filling all vacancies in the Assembly and in the Congress of the United States. Governor Boreman having learned of the proposed election, on the 9th of October issued a proclamation warning all persons against engaging in it, and at the same time requested General W. H. Emory, commanding the "District of West Virginia," to assist the civil authorities in executing the laws. This checked the movement and no election was held.

But the question was yet far from final settlement. The General Assembly of Virginia convened at Richmond on the first Monday in December, 1865, and on the 5th of that month, repealed the act of 1863, by which the counties in question were transferred to West Virginia. Then the authorities of the New State appealed to the 39th Congress, and in response thereto, that body passed a bill March 2d, 1866, declaring "the counties of Berkeley and Jefferson to be a part of West Virginia, and in all matters subject to the jurisdiction thereof, the same as if they had been a part of the New State at the time of its formation." Virginia, still unwilling to yield, brought suit against West Virginia in the Supreme Court of the United States for the recovery of the counties. The case came on for hearing at the December term of 1866, when it was ably argued for Virginia by B. R. Curtiss and A. Hunter, and for West Virginia by B. Staunton and Reverdy Johnson. No decision was reached at that time, and the case was not again called until the December term of 1870, when Mr. Taylor, the State's Attorney General, B. R. Curtiss and A. Hunter appeared for Virginia, and B. Staunton, Charles J. Faulkner and Reverdy Johnson for West Virginia, after which a decision in favor of the latter was rendered, Judges David Davis, Nathan Clifford, and Stephen J. Field dissenting. (See xi Wallace's United States Supreme Court Reports, pp. 38 and 39.)

This decision determined the present boundaries of the State. Many were the propositions which were made during the New State movement relative to the territory to be embraced within its limits, one of which was to exchange Accomack and Northampton on the

Eastern shore for Garrett and Allegheny—the two Western counties of Maryland. This was, however, abandoned. A brief description of the present boundaries is as follows: Beginning at the mouth of Oak creek, where the western boundary line of Pennsylvania crosses the Ohio; thence with the meanderings of that river and including the islands therein, to Virginia Point at the mouth of Big Sandy river; thence with that stream to the mouth of Knox creek, a corner of the States of Kentucky and Virginia; thence with a line of and including the counties of McDowell and Mercer to the top of East River mountain; thence with said ridge and with Peter's mountain to the Allegheny mountains; thence with the top of the same to Haystack Knob, a corner of Virginia and West Virginia; thence with the southern line of and including Pendleton county to the top of Shenandoah mountains; thence with the same and Branch mountain to a corner of Hardy and Rockingham counties; thence with the line of and including the counties of Hardy, Hampshire, Morgan, Berkeley and Jefferson to a point on the Maryland and Virginia line where the Potomac river intersects the Blue Ridge; thence with the meanderings of the Potomac to the confluence of Savage river and the North Branch of the Potomac; thence with the meanderings of the latter to the head spring thereof at the "Fairfax Stone;" thence due north with the western boundary line of Maryland to a point on the Pennsylvania line, a corner of the States of Maryland, and West Virginia; thence west with the southern boundary line of Pennsylvania to the southwest corner of that State, and thence with the western boundary of that State to the place of beginning. The

territory thus embraced includes an area of 24,645 square miles. This extent of territory is equal to twenty times that of Rhode Island; ten times that of Delaware; five times that of Connecticut; three times that of Massachusetts, and more than twice that of Maryland. It is about equal to the aggregate area of Rhode Island, Connecticut, Delaware, Massachusetts and Vermont. At the time the State was admitted there were forty-eight counties. The addition of Berkeley and Jefferson increased the number to fifty. Four new counties—Mineral, Grant, Lincoln and Summers—have been formed, making the present number fifty-four. Each will be noticed in the Second Part of this work.

Within this area is great diversity of surface. The entire section may be described as mountainous or hilly. In the eastern and southern portions the elevations, in many places, exceed 4000 feet above the sea. From these heights there is a general slope toward the northwest. At its lowest altitudes, along the Ohio, its elevation is but from 600 to 800 feet above the sea. The stream erosion, as the waters seek the outlet afforded by the Ohio, has cut the plateau on this side into a network of crooked ridges with deep gorges or narrow valleys, which diminish, however, as they approach the northwestern boundary, until in the immediate proximity of the Ohio they are rounded and softened in outline, and the valleys become broad and are exceedingly fertile.

The northeastern quarter of the State is drained by the Potomac, which thrusts its long branches far back into the plateau. In all the water-courses of the State the descents are rapid, affording enormous water

powers, which even now are but slightly utilized. Over the greater part of this magnificent domain the virgin forests still wave, furnishing immense opportunities for producing timber of the most valuable kinds. Vast beds of coal underlie some 16,000 square miles of the State, affording another natural source of wealth.

CHAPTER XXVIII.

MILITARY OPERATIONS WITHIN THE STATE.

First Federal Troops in Western Virginia—First Virginia Federal Infantry—First Engagement within the Limits of the State—Battle of Falling Waters—Engagement at Rich Mountain—Confederates defeated at Carrick's Ford and Death of General Garnett—Engagement at Barboursville—General Wise in the Great Kanawha Valley—Engagement at Scarey Creek—Surprise at Kennedy's Hill and Death of Major Hall—Skirmish at Pore's Hill—Battle of Carnifex Ferry—Surprise at High Log Run—Firing upon the Town of Elizabeth—Engagement at Traveler's Repose or "Camp Barteau"—Battle of Camp Allegheny—Burning of Guyandotte—Running Fight near Barboursville—Battle of Lewisburg—Surrender at Spencer—General Miles' Surrender at Harper's Ferry—Lightburn's Retreat from the Kanawha Valley—Capture of General Scanmon and Staff—Burning of the Steamer "B. C. Levi"—Engagement at Hurricane Bridge—Attack on Steamer "Victress"—Action at Point Pleasant—Skirmish at Tuckwiler's Hill—General Jones burns the Oil at Burning Springs—Battle of Dry Creek or White Sulphur Springs—Skirmish at Sugar Tree Creek—The Dublin Raid and Battle of Cloyd Mountain—Battle of Droop Mountain—Ambuscade at Curry's Farm—Skirmish at Raccoon Creek—Engagement at Winfield and Death of Colonel Thurman—Official Statement of the Number of Men from West Virginia in the National Service—Estimate of the Number from the State that entered the Confederate Service.

OWING to the geographical position and the distracted and divided condition of the people, some of the stern realities of war were witnessed in West Virginia. Here was presented a condition of affairs only existing in the border States. It was that of thousands of brave and determined men hastening to the recruiting officers and enlisting in the ranks of the respective armies under the flag-emblem of the cause they believed to be just. Thousands entered the Federal army and did valiant service on almost every battlefield of the war, while hundreds of others hastened over the Blue Ridge and in the ranks of the "Stone-

wall Brigade" or other organizations added lustre to the annals of the Confederate arms. Much that occurred within the limits of the State belongs to general history, and for that reason only that of local interest is here presented.

The first Federal troops organized within the State was a regiment enlisted for three months, which collected on Wheeling Island and, under the command of Colonel B. F. Kelly, was mustered into service as the First Virginia Federal Infantry, May 15, 1861, by Major Oaks, of the United States Army. On the 25th of the same month it was joined by the first Federal troops that crossed the Ohio river. It was an Ohio regiment commanded by Colonel Lander. About the same time a Confederate force was collecting near Grafton under Colonel Porterfield. The troops from Wheeling proceeded by way of the Baltimore and Ohio Railroad, but the Confederates fell back to Philippi in Barbour county. The Federals followed and on the 3d day of June reached that position, where an engagement took place in which the Confederates were forced to retreat. The loss was slight on both sides. Colonel Kelly was severely wounded in the breast, but recovered and afterward rose to the rank of brigadier-general. This was the first engagement of the civil war west of the Allegheny mountains.

During the month of June, 1861, General Johnston concentrated a Confederate force numbering fifteen thousand men at Harper's Ferry. General Robert Patterson lay on the Maryland side of the Potomac with an equal, if not superior, force, and on the 30th of the month moved with the seeming intention of attacking Johnston; but the latter held his position, and

on the 2d of July Patterson's advance crossed the Potomac at Williamsport and was fired upon by the Berkeley County Border Guards. With the entire army across and General Abercrombie's brigade in the advance the march began by the turnpike leading to Martinsburg. At Falling Waters, five miles distant from Williamsport, the Confederate outposts were discovered, and a mile farther on the engagement began. The combatants were Abercrombie's brigade, consisting of the 11th Pennsylvania and 1st Wisconsin regiments, McMullin's Rangers, a detachment of Philadelphia cavalry, and Perkin's battery of six guns on the Federal side, and the regiments afterward composing the famous "Stonewall" brigade on that of the Confederates. Whilst the firing was kept up for two hours the loss on either side was slight. It was Stonewall Jackson's first battle. He withdrew to Harper's Ferry and Patterson continued the march to Martinsburg, in the vicinity of which he spent more than two weeks in inaction, while Johnston, having destroyed the public property at Harper's Ferry, marched up the valley and over the Blue Ridge. As Blucher slipped away from Grouchy at Wavres, to decide the fate of Napoleon at Waterloo, so Johnston had stolen away from Patterson, and by forced marches arrived just in time to save the day and make a Waterloo for the Federal arms at Bull Run.

May 6, 1861, General McClellan assumed command of the department of Western Virginia, while General Garnett occupied a similar position in the Confederate service. The latter was posted at Beverly, in Randolph county, from which position General McClellan resolved to force him east of the mountains. To ac-

comply with this his force was separated in two divisions, and beginning the march from Grafton the left wing, commanded by General Morris, moved by way of Philippi, while the right proceeded by way of Clarksburgh and Buckhannon, the latter in Upshur county. Meanwhile the Confederates under General Pegram, the second in command, advanced northward and fortified a position near Bealington in the southern part of Barbour county. General Morris halted and constructed earthworks. The divisions united, Pegram's position was flanked July 12th, his force completely routed, and himself made prisoner. They fell back to Beverly, whence Garnett began a retreat toward St. George, in Tucker county, but was overtaken by the Federals at Carrick's Ford, on Cheat river, where his force was defeated, he being among the slain. He was a brave and meritorious officer, and had won distinction in the Mexican War.

On the 11th of July, 1861, the 2d Kentucky Federal Infantry landed at Guyandotte and went into camp. On the night of the 13th, a detachment consisting of four companies marched out on the road leading to Barboursville, the county seat of Cabell, and early the next morning, reached Mud River Bridge, within a few hundred yards of the town. Here, on the ridge just in the rear of the courthouse, was posted a body of about three hundred and fifty Confederates under the command of Colonel James Ferguson, and a portion of the Border Rangers under Captain—afterward General—A. G. Jenkins. The Federals approached the bridge and received the first fire, which they returned, and having a vast superiority in arms, hastily crossed the bridge, carried the ridge beyond, and

took possession of the town. The Federals lost five killed and eighteen wounded. The Confederate loss was one killed and one wounded, the former being James Reynolds and the latter Absalom Ballinger.

In June, 1861, ex-Governor Henry A. Wise entered the Kanawha Valley with a Confederate force of four thousand and established his headquarters at Charleston. A Federal force was speedily collected at Gallipolis, Ohio, for the purpose of operating against him. It consisted of the 21st Ohio Infantry, Colonel Jesse S. Norton; the 11th Ohio, Colonel De Villiers; the 2d Kentucky, Colonel Woodruff; the 1st Kentucky, Colonel George W. Neff, and Captain C. S. Cotter's Battery A, of the 1st Ohio light artillery. This force, under command of Colonel J. D. Cox, began its march up the Great Kanawha, and on the 17th of July reached the mouth of Scarey creek, in Putnam county, where was posted a body of Confederates, consisting of the Border Riflemen, Captain A. R. Barbee; the Kanawha Riflemen, Captain George S. Patton; Captain John S. Swann's Rifle Company; Major Sweeney, commanding a body of Infantry; Captain Thomas Jackson's Battery of light artillery; Captain J. M. Corn and Colonel A. G. Jenkins, commanding cavalry. At an early hour Colonel De Villiers, Colonel Woodruff and Lieutenant-Colonel Neff rode upon the field, and, mistaking a body of Confederates for their own men, entered the line and were made prisoners. Brisk firing continued; Lieutenant-Colonel T. J. Allen, of the 21st Ohio, fell mortally wounded, and Colonel Norton received a severe wound. Night came on and the Federals fell back to Pocatalico river, leaving twenty-one dead and thirty wounded. The Confederates, whose loss was

much less, proceeded to Charleston. A few days later Wise abandoned the Valley and Charleston was occupied by Cox.

On the 6th of August, 1861, a detachment of the 4th West Virginia Infantry, commanded by Major John T. Hall, was attacked at Kenneday's Hill, or Beech Creek, in Logan county, by a body of Confederate cavalry under Major Witcher. The Federals were completely routed with a loss of three killed and eight wounded, one of the former being Major Hall. The loss of the Confederates was one killed and eight wounded.

In August, 1861, a Confederate force of three hundred, which had been lying at Bethesda Church, was moving its quarters to Mud River Church, now Blue Sulphur Springs, in Cabell county, and when near Pore's Hill, now Ona Station on the Chesapeake and Ohio railroad, about five and one-half miles from Barboursville, it was fired upon by a body of four hundred Federals, a detachment of the 5th West Virginia Infantry, then stationed at Barboursville. The Confederates returned the fire, and retreated with a loss of one wounded and two prisoners, while the Federals returned to Barboursville without loss.

Soon after General Wise abandoned the Kanawha Valley, General Floyd, with a strong Confederate force, marched into Western Virginia and took position at Carnifex Ferry, on Gauley river, in the southern part of Nicholas county. Here, on the 10th of September, 1861, after sharp skirmishing in the vicinity of Summersville, the county seat, he was attacked by General W. S. Rosecrans with a Federal force, composed partly of the 11th, 12th and 13th Ohio, and McMullin's and Snyder's Batteries. The 10th Ohio led the advance,

closely followed by the other regiments. The Confederates received the assault with spirit, and poured a destructive fire into the ranks of their assailants. The battle lasted until nightfall, when both armies rested upon the field. But before the return of day the Confederates were gone, and the most important battle fought in West Virginia was ended. The Federal loss was 225 killed and wounded, among the former being Colonel Lowe, of the 12th Ohio. .

On the 27th of September, 1861, a detachment of Federals, commanded by Captain Isaiah Hill, was attacked at High Log Run Bridge, in Wirt county, by a body of Confederates in ambush. The former retreated with a loss of one wounded; the loss of the latter, if any, is unknown.

A few days later a body of Confederates opened fire upon the town of Elizabeth from the hill on the opposite side of the Little Kanawha. Company C, of the 1st West Virginia Cavalry, encamped near the town, went in pursuit, but the enemy had fled.

Late in the summer of 1861, a Confederate force was collected at Traveler's Repose, in Pocahontas county, then known as "Camp Barteau." It consisted of the 1st Georgia Infantry, Colonel Ramsey commanding; the 12th Georgia, Colonel Edward Johnson; the 31st Virginia Infantry, Colonel William L. Jackson; Colonel Hansbro's Battalion; the Churchville Cavalry, from Churchville, Augusta county, Virginia, Captain James Sterrett; and the Rockbridge Cavalry, Captain J. C. McNutt; the entire force under the command of General Henry L. Jackson.

On the 14th of September, 1861, this force was attacked by the Federals under command of Generals



MAJOR-GENERAL WILLIAM S. ROSECRANS.

Reynolds and Rosecrans. The firing began early in the morning and continued until nightfall, when the Federals withdrew and fell back to Rich Mountain, in Randolph county, making no report of their loss. The loss of the Confederates was thirty-six killed.

A few days later the Confederates fell back to Camp Allegheny, on the summit of the range in the eastern part of Pocahontas county, where, after being reinforced by two regiments—one of which was the 52d Virginia Infantry, Colonel John Baldwin commanding—they fortified a strong natural position. Here, on the 12th of December, they were again attacked by the Federals, who once more advanced, and the engagement continued throughout the day, but terminated, as had that at Camp Barteau, in the retreat of the Federals. The loss was considerable on both sides, among that of the Confederates being Captain Anderson, of the Lynchburg Artillery, and Captain J. C. Whitmer, of the Pocahontas Rifles.

Early in the autumn of 1861, Major K. V. Whaley recruited a company at Guyandotte to be attached to the 9th West Virginia Infantry, and by the first of November its ranks were filled and only awaited the arrival of the proper officer to muster it into the United States service. But various are the fortunes of war. On the evening of the 10th of that month, just as twilight was deepening into night, the 8th Virginia Confederate Cavalry, several hundred strong, rode into the town, and a portion having taken a position on a neighboring hill opened fire on the Federal position at the southern end of the suspension bridge. For an hour the rattle of musketry rang out upon the still evening air, at the end of which time the Federals

were all killed, wounded or captured, save a few who saved themselves by flight. The Confederates who were now in peaceful possession of the town, had two killed and several wounded. When the firing began, Colonel Zeigler, with the 5th West Virginia Infantry, was stationed at Ceredo, eight miles below, and learning of the attack, with his force went on board the steamer Ohio, then ascending the river, and disembarked on the Ohio side, at the mouth of Indian Guyan, one mile below the scene of action. From there they marched to Proctorsville, and at daylight on the morning of the 11th began crossing the river. As the Federals entered the town the Confederates left it, and no sooner were the former in possession than the torch was applied and two-thirds of the town laid in ashes. A few days later a party of men came from the Ohio side of the river, and after having fired the extensive flouring mills of Dr. Thomas C. Buffington, went one mile up the river and applied the torch to the private residence of Robert E. Stewart, and it too was laid in ruins.

Later on a skirmish occurred between a body of Confederate Cavalry, under Major James Nowning, and a Federal force commanded by Major Paxton. It was a running fight from the Blue Sulphur Springs to Barboursville. Here the belligerents separated, the Confederates going up Guyandotte river and the Federals proceeding to Guyandotte, having lost one killed.

Early in May, 1862, Lewisburg was occupied by the Greenbrier Riflemen, commanded by Captain B. F. Eakle, and Company E, Captain William H. Heffner, of Edgar's Battalion. On the 12th of May, the Federal advance, consisting of one hundred and eighty cavalry

and one hundred and twenty infantry, commanded by Colonel Elliot, of Crook's Brigade, reached Lewisburg, and the Confederates fell back toward Greenbrier river. The Federals occupied the town and continued in possession of it. Here a few days later they were reinforced by Colonel Gilbert with a large detachment of Crook's Brigade.

In the meantime, General Henry H. Heath's force of two thousand five hundred men were on the march from New River Narrows. Among his subordinates were Colonels Finney and A. R. Barbee and Major George Edgar. This force reached Lewisburg on the night of the 22d, and at 5.15 the next morning opened fire on the Federal position. The battle continued an hour when, the Federals having, by a right and left flank movement, secured a position from which they could pour an enfilading fire, the Confederates fell back, leaving their enemies in possession of the field. The Confederate loss was sixty killed, and that of the Federals twenty-five. The latter occupied the town until the 29th, when they fell back and took position at Meadow Bluff.

In September, 1862, General A. G. Jenkins, with a Confederate cavalry force, made a raid into Western Virginia. Leaving the Shenandoah Valley he proceeded by way of Beverly, thence by way of Weston to Spencer, in Roane county, where companies B, E, F, and D, of the 11th West Virginia Federal Infantry were stationed. These surrendered and were allowed to go on parole. From here the Confederates proceeded to Ravenswood, where a portion of the command crossed the Ohio, carrying the first Confederate flag north of that river; thence the detachment moved

to Racine, several miles below, where it recrossed the river, and having joined the main body, the whole returned east by way of Kanawha Valley.

The surrender of Harper's Ferry by General Dixon H. Miles to the Confederate forces under Stonewall Jackson, on the 15th of September, 1862, was the most extensive military transaction that ever occurred in West Virginia. In August, McClellan directed General Miles to occupy the place and hold the same until further orders. Meanwhile General Lee began the invasion of Maryland. On the 8th of September a Confederate division consisting of the brigades of Generals Walker, Hill, Pender, Archer and McLaws, the whole under command of Stonewall Jackson, appeared before the place and made arrangements to begin the attack. By the 14th all was in readiness, and batteries of heavy artillery on the summits and slopes of Bolivar and Loudoun Heights belched forth a storm of shot and shell. No human wall could stand before so deadly a fire, and the next day brought the surrender of the whole Federal army, numbering eleven thousand five hundred and eighty-three men. Forty-seven pieces of artillery of various calibre, and thirteen thousand stand of small arms were also given over to the Confederates. The evening before the capitulation, the 8th New York cavalry, Colonel Davis commanding, cut its way out and escaped into Maryland. The force surrendered consisted of the following: 32d Ohio, Colonel Thomas Ford; 60th Ohio, Colonel W. H. Trimble; 12th New York, Colonel Ward; 87th Ohio, Colonel Bannin; 126th New York, Colonel Sherrill; 1st Maryland, Colonel Halsby; 111th New York, Colonel Segoine; 1st Maryland Cavalry, Colonel Russell; 9th Vermont;

15th Indiana; two companies of the 5th New York Artillery, Captains McGrath and Graham; Rigby's Battery of Ohio artillery; two western batteries and a detachment of the Maryland Home Brigade. General Miles was mortally wounded by the bursting of a shell. His injured leg was amputated, but he died soon after. General Jackson left General A. P. Hill in charge of the captured army while he pushed on into Maryland, where he joined General Lee on the eve of the battle of South Mountain.

In the military history of the Great Kanawha Valley, what is known as Lightburn's retreat, and which occurred in the autumn of 1862, must ever be a prominent event. In the spring of that year, General Cox marched eastward from Charleston and took position at Flat Top Mountain. About the last of August he proceeded thence to the Shenandoah Valley, leaving General J. A. J. Lightburn in command of the Kanawha Valley District, with headquarters at Gauley Bridge, in Fayette county. His most eastern outpost was Fayetteville, occupied by the 37th Ohio Infantry, commanded by Colonel Sibert. The entire Federal force in the Valley at that time, numbering three thousand five hundred men, consisted of the 4th West Virginia Infantry, Lieutenant-Colonel Russell commanding; 9th West Virginia Infantry, Colonel Skinner; 2d West Virginia Cavalry, Colonel Powell; 34th Ohio, known as the Piatt Zouaves, Colonel Toland; 47th Ohio, Colonel Parry, and DeLille's Battery of Light Artillery. On the 9th of September the regiment at Fayetteville was attacked by the advance of a Confederate force officially estimated at nine thousand, under the command of General Loring. Colonel

Sibert, closely pursued, retreated by way of Cotton Hill, where a slight engagement ensued, and joined Lightburn at Gauley Bridge. The entire force fell back toward Charleston, but at noon on the 11th made a stand at Camp Piatt opposite Brownstown. At three in the afternoon the march was continued, and at sunrise the next morning the advance column reached Charleston, where a halt of twenty-four hours was made. On the morning of the 13th the Confederates appeared in large numbers on Cox's Hill and on the opposite side of the Kanawha. The Federals having burned the government stores which could not be removed, crossed Elk river and destroyed the bridge behind them. During the morning an artillery duel was kept up across the river, and at noon the Federal regiments began a retreat to the Ohio river, having with them a train numbering more than eleven hundred wagons, conveying stores valued at a million of dollars. Two miles below Charleston the river road was abandoned, as it was feared that the Confederate cavalry which was on the south side of the Kanawha would ford the river further down and gain a position in front of the retreating columns. The Charleston and Ravenswood pike, by way of Ripley, in Jackson county was taken, and after a toilsome march of three days the dust-covered regiments reached Ravenswood, whence the train pressed on to Portland, some distance above, and crossed the Ohio. Transports conveyed the troops to Point Pleasant, where they were soon after joined by Milroy's Brigade, from Washington City, one of the regiments composing it being the 8th West Virginia, commanded by Colonel—afterward General—John H. Oley. Some days later General Cox, with several

regiments, reached Point Pleasant, and the entire force, thus increased to twelve thousand men, began the march up the Kanawha, but before the arrival at Charleston the Confederates, the command of whom had in the meantime been transferred to General Echols, abandoned the Valley and returned to East Virginia.

On the morning of February 2, 1863, the Federal General Scammon and staff left Point Pleasant on the Kanawha river steamer "B. C. Levi," Captain Charles Regnier, bound for Charleston. The boat reached Red House Shoals, in Putnam county, at one o'clock on the morning of the 3d, when it was found that the pilot could not pass the chute in the darkness, and the steamer was lashed to the north bank to await the coming of daylight. Here, while reposing in seeming security, a band of twenty-eight Confederates, commanded by Major Nowning, quietly boarded the boat and made prisoners of General Scammon and staff, thirteen soldiers returning to Charleston to join their regiments, and the entire boat's crew. The steamer was then steered across the river to Winfield and thence down stream four miles to Vintroux's landing, where she was run ashore and all but the General and staff given five minutes to leave. At the expiration of the time the boat was fired and burned to the water's edge. The General and his staff officers were then mounted on bare-backed horses and mules—the General upon one of the latter—and the cavalcade took up the line of march toward Richmond.

About the 20th of March, 1863, General Jenkins, at the head of a Confederate force numbering eight hundred, and consisting of portions of the 8th and 16th

Virginia Cavalry, left Dublin depot on the Virginia and Tennessee railroad, and began a march into Western Virginia. On the 28th, Hurricane bridge, in Putnam county, was reached. Here was stationed a Federal detachment consisting of companies A, Captain Johnson; B, Captain Stewart, and D, Captain Williams; all of the 13th West Virginia Infantry and Company G, of the 11th West Virginia. Major James Nowning, of the Confederate force, arrived under a flag of truce at the headquarters of Captain Stewart, and demanded an unconditional surrender. This was refused, and half an hour later the firing began and the rapid discharge of muskets, the only arms in possession of either side, continued for five hours, when the Confederates withdrew. Several were killed, among whom were Ultimas Young and Jesse Hart, of Mason county, both members of the 13th Regiment.

On the 29th, the same body of Confederates that had been engaged at Hurricane bridge, reached Hall's landing on the Kanawha river and in Putnam county. The steamer "Victress," having on board Paymaster B. R. Cowan, of the Federal Army, was descending the river. He had in his possession a large amount of Government funds. When nearing the landing, the boat was hailed by an individual who was apparently alone, the command being concealed behind a thicket of underbrush. The signal was recognized and the boat steered toward the landing, but when near shore she received a fire from a hitherto concealed but now exposed enemy. Captain Ford at once recognized the situation and ordered the steamer to be backed; thus she escaped, but not until riddled with balls. She

continued the voyage and reached Gallipolis, Ohio, without further incident.

From Hall's landing the Confederates continued the march, and on the next day—March 30—reached Point Pleasant at the mouth of the Great Kanawha. At the time the only Federal troops there were Captain John D. Carter's Company E, of the 13th West Virginia Regiment. They were encamped two squares above Court street, and when the firing began, which was the first intimation they had of the presence of an enemy, they fled to the court house for refuge. Here they were closely besieged for four hours, during which time a desultory fire was kept up on both sides. At three o'clock in the afternoon Federal reinforcements from Gallipolis arrived on the opposite side of the Ohio river and prepared to shell the town, believing that the court house was occupied by the Confederates, but the mistake was discovered in time to prevent what must have resulted in great destruction. The Confederates now despairing of being able to dislodge their enemies, abandoned the attack, crossed the Kanawha, that night encamped on the head waters of Ohio Eighteen mile creek, and the next day took up the line of march for Tazewell county, Virginia. The Confederate loss was three killed and five wounded, while that of the Federals was one killed and one wounded. During the engagement one of the most execrable acts of the war occurred. This was the killing of the venerable Major Andrew Waggener, then in the eighty-fourth year of his age. He was riding toward town and carrying his cane, as was his custom, when he was met by a Confederate soldier who demanded his horse. This was refused, and when the

latter attempted to take hold of the reins, the Major struck him with his cane, upon which the soldier shot him. Major Waggener had served throughout the war of 1812, having won distinction at the battle of Craney's Island. His father was a Major in Washington's army during the Revolution, and he and a brother were at Braddock's defeat, where the latter was killed.

On the 19th of April, 1863, an engagement occurred at Tuckwiler's Hill, two miles northwest of Lewisburg, between Edgar's Battalion, consisting of Company K, of the 14th Virginia Cavalry, commanded by Captain Caraway, and Captain W. H. Heffner's company, and a detachment of the 2d West Virginia Federal Cavalry, under Colonel Paxton. The latter was forced to retreat. The loss on either side was small.

In the latter part of April, 1863, General Jones, at the head of a body of Confederate Cavalry, made a raid into West Virginia. Proceeding by way of Buckhannon, Weston and Harrisville he reached the Burning Springs, in Wirt county, on the 9th of May. This was the centre of the petroleum industry. General Jones caused one hundred thousand barrels to be simultaneously ignited, and the light that night was plainly visible at Parkersburg—distant forty-two miles.

The battle of White Sulphur Springs, or Dry Creek, took place about two miles from White Sulphur, on the 26th day of August, 1863, between a Federal force, under General Averill, and the Confederates, commanded by General John Echols. The latter was absent, and Colonel George Patton, who was afterward killed in battle at Winchester, Virginia, commanded in his stead. On the Confederate side was Chapman's



GEORGE CROOK, Major-General U. S. A.

Battery, and on the side of the Federals, Cotter's Battery B, of the 5th Ohio Artillery, and they kept up during the day such an artillery duel as was perhaps never before heard in the Alleghenies. The two forces met unexpectedly, and the battle, which began at 8 A. M., continued until nightfall, when the Federals retreated, having sustained a loss of one hundred and fifty. That of the victors was sixty.

An engagement occurred in the autumn of 1863 on the head waters of Sand Lick, a tributary of Sugar Tree Creek, now in Union district, Lincoln county, between a detachment of Confederates, commanded by Captain Peter Carpenter, and Company G, of the 3d West Virginia Cavalry, commanded by Major J. S. Witcher. The Confederates felled timber in the road, and when the Federals reached it they were forced to turn and retreat under a heavy fire. John Insko and William Smith were killed and three others wounded. The Confederates had one wounded.

One of the most important military movements within the State in 1864 was that known as the "Dublin Raid," so called from the objective point—Dublin Depot, a station on the Virginia and Tennessee—now the Norfolk and Western—Railroad, in Pulaski county, Virginia. Early in the spring of the above-mentioned year a Federal force, consisting of the 12th, 34th, 36th and 91st Ohio Infantry; the 9th, 10th, 14th and 15th West Virginia regiments, together with Mulligan's Battery of the 1st Ohio Artillery, and a small body of cavalry, the entire force under the command of General George Crook, was concentrated at Fayetteville, the county seat of Fayette. On the 2d of May the line of march was taken up, but the roads

were so rough that on the 4th the entire army encamped at Loup creek, still in Fayette county. On the 5th, it encamped at Mercer, in Mercer county; on the 6th, at Princeton, in the same county; on the 7th, near Rocky Gap, in Bland county, Virginia; and on the 8th, at Shannon, in Giles county. On the morning of the 9th a Confederate force, composed of the 8th, 16th and 17th Virginia Cavalry, and the 36th, 45th and 60th Virginia Infantry, with Bryan's Battery and detached bodies of other organizations, the whole commanded by Generals Albert G. Jenkins and John McCausland, was encountered on the slopes of Cloyd Mountain, near the boundary lines between Giles and Pulaski counties, and at once there began one of the most fiercely contested battles of the war. The sounds of battle echoed, reverberated and died away amid the lofty peaks of the Alleghenies. Eight thousand heroic and determined men struggled for the mastery. Six hundred Federals and four hundred Confederates were either killed or wounded—one-eighth of the whole number engaged, which loss is perhaps proportionately larger than that upon any other field of the Civil War. Such was the desperate nature of the conflict, that the 9th West Virginia Regiment lost one hundred and eighty-six men in ten minutes. The Confederates were defeated and retreated, leaving General Jenkins wounded upon the field. He was borne to the residence of David Cloyd near by, where a Federal surgeon amputated his arm at the shoulder. Shortly after he died, and Chaplain Brillhart, of the 8th Confederate Cavalry, accompanied by Major Nicholas Fitzhugh and the wife of the deceased, bore his body through the lines and interred it in the family burying ground on Jenkins' Bottom, in

Cabell county. General Jenkins, previous to the war, had been a prominent figure in both State and National politics, having twice represented his District in Congress. The Federal army advanced from the scene of action to New River Bridge, which they burned, and thence returned by way of Union, in Monroe, to Meadow Bluffs, in Greenbrier, whence after a few days' encampment it marched east and joined General Hunter at Staunton.

On the 6th of November, 1863, was fought the battle of Droop Mountain. The Confederate force consisted of the 22d Virginia Infantry, Colonel George Patton; the 19th Virginia, Colonel W. P. Thompson; the 20th Virginia, Colonel W. W. Arnott; the 14th Virginia Cavalry, Colonel James Cochran; Jackson's and Chapman's Batteries, and Edgar's and Derrick's Battalions, the whole commanded by Major John Echols. That of the Federals was composed of the 14th Pennsylvania; the 23d and 28th Ohio infantry; the 3d, 5th, 6th and 10th West Virginia regiments and a West Virginia Battery. The Confederates had marched from Meadow Bluffs in Greenbrier, and the Federals from Beverly, Randolph county. The two forces met on the northern extremity of Droop mountain, the Federals having formed on the Levels near Hillsboro. The firing began at 10 A.M. and continued until 4 P.M., when the Confederates, finding their position completely flanked right and left, began a hasty retreat, which continued beyond Lewisburg. The pursuit was kept up for several miles. The loss on both sides was heavy.

On the 29th day of May, 1864, on the Curry farm, one-fourth of a mile distant from Hamlin, in Lincoln county, an engagement took place between a detach-

ment of the 3d West Virginia Cavalry and a body of Confederates commanded by Major John Chapman. The Federals had marched from Hurricane Bridge, in Putnam county, and were proceeding up Mud river when they were fired upon by the Confederates, who were concealed on the opposite side of the river. The Federal commander at once ordered a charge, and the Confederates retreated without loss. The Federals had one killed—Mathias Kayler, of Raleigh county—and two wounded.

A slight engagement took place in 1864, at the mouth of Coon creek, a tributary of Trace Fork or Mud river, now in Lincoln county, between Captain Carpenter's Company and Company K, of the 3d West Virginia Cavalry. The latter retreated with the loss of Lieutenant Henry A. Wolf, who was killed at the first fire.

About the 1st of August, 1864, a detachment of Confederate cavalry, under command of John A. McCausland, attacked a body of Federal troops stationed at New Creek. The latter made a gallant stand, and the Confederates withdrew to Morefield, where, on the 7th of the same month, they were attacked by a body of Federal cavalry under General Averill.

In the autumn of 1864, General John H. Oley, of the Federal Army, who was then in command of the Kanawha Valley Department, sent a detachment of the 7th West Virginia Mounted Infantry to Winfield, the county seat of Putnam. Here a rifle pit was soon constructed around the encampment. Late in September Colonel Witcher, with a Confederate force known as Witcher's Brigade, was stationed in the Mud River Valley. From here, with four hundred men and Colonel

Thurman second in command, he proceeded to Winfield, where a night attack was made. Colonel Thurman led the charge, and just as he reached the Federal position he fell mortally wounded. The firing, now general on both sides, continued about an hour, during which several were killed or wounded on both sides. The Confederates having secured a number of horses, withdrew and returned to Mud River Bridge.

On the 28th of November, 1864, the Confederates, this time commanded by General Rosser, again attacked New Creek, and succeeded in capturing the place. A number of prisoners were taken, and, after doing considerable damage to the railroad, the entire force returned to the Shenandoah Valley. This, together with the surrender of a small Federal force at Beverly, in Randolph county, a few days later, put an end to active military operations in the State.

According to the report of the Adjutant-General of the State for the year 1865, it appears that West Virginia furnished to the Federal army 36,530 troops. No official data exist to show the number that went from the State into the Confederate army, but a fair estimate would not be far from 7000. This makes a total of 43,530 men from the State who served in the two armies during the war.

CHAPTER XXIX.

THE STATE UNDER THE FIRST CONSTITUTION.

The First Session of the Legislature—Roll of Members of the Same—Election of First United States Senators—Counties without Sheriffs or Other Revenue Collectors—Committee on State Seals—First Congressional Districts—Congratulatory Resolution relating to Citizens of East Tennessee—Rolls of Members of each Legislature from 1863 to 1872, inclusive—Contested Seats in each Branch—Virginia's Proposition to Reunite the Two States—West Virginia's Rejection of the Same—Second United States Senators Elected—The Constitutional Convention of 1872—Roll of Members Composing it—The Second Constitution—Important Changes in the Organic Law of the State.

As elsewhere stated, the Restored Government on the 20th of June, 1863, surrendered its jurisdiction over all the territory embraced in the new State and withdrew to Alexandria, now exercising its authority in but four counties—Accomack, Northampton, Fairfax and Alexandria—the last the smallest in Virginia. The public funds at that time amounted to \$225,280.07, of which \$215,342.21 were turned over to West Virginia, and \$9,937.86 retained by the retiring Government.

The Constitution of the new State, while differing widely in many of its provisions from that of Virginia, was yet similar to it in many respects. The Governor was elected for a term of two years, as were the other State officers; the office of Secretary of State was an elective one. Members of the State Senate were chosen for two years, while those of the House of Delegates were elected for one; the Legislative branch of the Government was denominated the Legislature instead of the General Assembly as in Virginia, and the enacting clause was changed to comply therewith.

The following were the Senatorial Districts, which, with slight changes, continued the same until 1872: That is to, say, First District—Counties of Hancock, Brooke, Ohio and Marshall; Second—Monongalia, Preston, Tucker, Taylor; Third—Marion, Harrison, Barbour; Fourth—Wetzel, Tyler, Pleasants, Ritchie, Doddridge, Gilmer; Fifth—Randolph, Upshur, Lewis, Braxton, Webster, Nicholas; Sixth—Wood, Wirt, Calhoun, Roane, Jackson, Clay; Seventh—Kanawha, Mason, Putnam, Fayette; Eighth—Cabell, Wayne, Boone, Logan, Wyoming, Raleigh; Ninth—Pocahontas, Greenbrier, Monroe, Mercer, McDowell; Tenth—Pendleton, Hardy, Hampshire, Morgan; Eleventh—Berkeley, Jefferson.

On the day of the organization of the New Government, the Legislature convened in the Lindsey Institute at Wheeling. The following shows who composed it, together with data relating to each:—

FIRST LEGISLATURE.

Convened at Wheeling, June 20, 1863. Adjourned December 11, 1863.

SENATORS.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
John H. Atkinson . .	43	Manufacturer	Ohio	First.
Aaron Bechtol . . .	53	Stage-man	Virginia	Tenth.
John B. Bowen . . .	45	Farmer	"	Eighth.
John J. Brown . . .	38	Lawyer	"	Third.
Edward C. Bunker . .	35	"	New York	"
James Burley . . .	62	Farmer	Pennsylvania	Second.
James Carskadon . .	44	"	Virginia	Tenth.
William H. Copley . .	43	Merchant	"	Eighth.
D. D. T. Farnsworth .	43	"	New York	Sixth.
Aaron Hawkins . . .	65	Farmer	Pennsylvania	Second.
Daniel Haymond . .	76	"	Virginia	Fourth.
Chester D. Hubbard .	48	Banker	Connecticut	First.
Edward S. Mahon . .	47	Farmer	Maryland	Fifth.
Edwin Maxwell . . .	35	Lawyer	Virginia	Fourth.

SENATORS.—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
Thomas K. McCann	38	Contractor	New York	Ninth.
William D. Rollyson	26	Land Agent	Virginia	Sixth.
Greenbury Slack	55	Farmer	"	Seventh.
William E. Stevenson	45	"	Pennsylvania	Fifth.
Samuel Young	35	Minister	Virginia	Ninth.
John M. Phelps	42	"	"	Seventh.

JOHN M. PHELPS *President.*
 ELLERY R. HALL *Clerk.*
 EDMUND KYLE *Sergeant at Arms.*
 W. M. DUNNINGTON *Doorkeeper.*

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Lewis Ballard	37	Merchant	Virginia	Monroe.
John S. Barnes	47	Farmer	"	Marion.
James I. Barrick	30	Merchant	"	Hampshire.
Ephraim Bee	60	Farmer	"	Doddridge.
John Boggs	49	"	"	Pendleton.
George C. Bowyer	31	"	"	Putnam.
Lewis Bumgarner	47	"	"	Mason.
Thomas Copley	61	"	"	Wayne.
William L. Crawford	36	"	"	Hancock.
H. N. Crooks	62	"	Pennsylvania	Wood.
H. W. Crothers	43	Merchant	Ohio	Brooke.
L. E. Davidson	40	Farmer	Virginia	Taylor.
S. R. Dawson	37	Minister	Maryland	Kitchie.
W. S. Dunbar	40	Carpenter	Virginia	Raleigh.
Michael Dunn	48	Merchant	"	Marshall.
S. S. Flemming	50	"	"	Harrison.
Alfred Foster	43	"	"	Went.
John C. Gillian	43	Farmer	"	Greenbrier.
Nathan Gort	65	Banker	New York	Harrison.
Reuben Griffin	49	Farmer	Virginia	Pocahontas.
Robert Hagar	53	Minister	"	Bell.
P. M. Hale	39	Writer	"	Le wis.
J. H. Hinchman	45	Farmer	"	Lewis.
Isaac Ho man	53	"	Pennsylvania	Mason.
D. J. Keeney	40	Merchant	Virginia	Jackson.
Cyrus Kittle	43	Farmer	"	Randolph.
Le Roy Krauer	44	Merchant	Pennsylvania	Monongalia.
Daniel Lamb	53	Lawyer	"	Ohio.
Isaac Little	43	Farmer	Virginia	Mason.
J. B. Long	50	"	"	Monongalia.
A. W. Mann	26	"	"	Greenbrier.
J. C. McCreary	48	Merchant	"	Preston.
J. M. McWhorter	35	Clerk of Court	"	Ross.
John M. Mathews	48	Farmer	"	Harby.

DELEGATES.—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Anthony Rader . . .	52	Physician	Virginia	Nicholas.
S. I. Robinson . . .	37	Farmer	Pennsylvania	Weizel.
A. F. Ross . . .	47	Teacher	"	Ohio.
Lewis Ruffner . . .	66	Manufacturer	Virginia	Kanawha.
G. W. Sheetz . . .	39	Carpenter	"	Hampshire.
W. W. Shriver . . .	54	"	Maryland	Ohio.
Felix Sutton . . .	61	Farmer	D. Columbia	Braxton.
Daniel Sweeney . . .	53	Minister	Pennsylvania	Tyler.
Joseph Teter, Jr. . .	35	Farmer	Virginia	Barbour.
Jacob Teter . . .	37	"	"	Upshur.
Joseph Turner . . .	53	"	"	Marshall.
P. G. Van Winkle . .	55	Lawyer	New York	Wood.
J. S. Wheat . . .	60	Farmer	Virginia	Morgan.
W. T. Wiant . . .	30	Merchant	"	Gilmer.
E. D. Wright . . .	52	Farmer	"	Cabell.
W. B. Ziun . . .	65	Flour Merchant	"	Preston.
Spicer Patrick . . .	70	Physician	New York	Kanawha.

SPICER PATRICK *Speaker.*
 GRANVILLE D. HALL *Clerk.*
 SYLVANUS W. HALL *Assistant Clerk.*
 S. G. W. MORRISON *Sergeant at Arms.*
 W. W. HOLLIDAY *Doorkeeper.*

On the third day of the session, a Committee on State Seals was appointed, those on the part of the Senate being Farnsworth, Maxwell and Slack. On the 26th of September it made the following report, which was adopted:—

The disk of the Great Seal to be two and one-half inches in diameter. The obverse to bear the legend, "State of West Virginia," the constitutional designation of our republic, which, with the motto "Montani semper liberi"—"Mountaineers always free"—is to be inserted in the circumference. In the centre a rock with ivy, emblematic of stability and continuance, and on the face of the rock the inscription, "June 20, 1863," the date of our foundation, as if "graved with a pen of iron in the rock forever." On the right of the rock a farmer clothed in the traditional hunting shirt,

peculiar to this region, his right arm resting on the plow handles, and his left supporting a woodman's axe, indicating that while our territory is partly cultivated, it is still in process of being cleared of the original forest. At his right a sheaf of wheat and a cornstalk. On the left of the rock, a miner, indicated by a pick-axe on his shoulder, with barrels and lumps of mineral at his feet. On his left an anvil, partly seen, on which rests a sledge hammer, typical of the mechanic arts, the whole indicating the principal pursuits and resources of the State. In front of the rock and the figures, as if just laid down by the latter and ready to be resumed at a moment's notice, two hunters' rifles, crossed, and surmounted at the place of contact by the Phrygian cap or cap of Liberty, indicating that our freedom and independence were won and will be defended and maintained by arms.

The above to be also the legend, motto and device of the less seal, the disk of which should have a diameter of an inch and a half.

The reverse of the great seal to be encircled by a wreath composed of laurel and oak leaves, emblematic of valor and strength, with fruits and cereals, productions of our State. For device a landscape. In the distance, on the left of the disk, wooded mountain, and on the right, a cultivated slope with the log farm-house peculiar to this region. On the side of the mountain a representation of the viaduct on the line of the Baltimore and Ohio Railroad, in Preston county, one of the great engineering triumphs of the age, with a train of cars about to pass over it. Near the centre a factory, in front of which a river with boats, on the bank and to the right of it nearer the foreground, a derrick and a

shed, appertaining to the production of salt and petroleum. In the foreground a meadow with cattle and sheep feeding and reposing, the whole indicating the leading characteristics, productions and pursuits of the State at this time. Above the mountain, etc., the sun emerging from the clouds, indicating that former obstacles to our prosperity are now disappearing. In the rays of the sun the motto "*Libertas et Fidelitate*"—Liberty from Loyalty—indicating that our freedom and independence are the result of faithfulness to the principles of the Declaration of Independence and the National Constitution.

August 4th, the House proceeded to elect two United States Senators. Waitman T. Willey, of Monongalia county; Peter G. Van Winkle, of Wood; Archibald W. Campbell, of Ohio, and Benjamin H. Smith, of Kanawha, were placed in nomination. Willey was elected on the second ballot and Van Winkle on the thirteenth. The former drew the short term, that of two years.

The seat of Ephraim Bee, delegate from Doddridge, was contested by J. H. Dis Debar, but without effect.

The Committee to examine Auditor's office reported, September 28, that the counties of Braxton, Berkeley, Clay, Cabell, Fayette, Gilmer, Hampshire, Hardy, Lewis, Nicholas, Roane, Randolph, Tucker and Wayne, were without sheriffs or other collectors of the revenue, "because of the danger incident thereto."

The Governor, in his message, informed the Legislature that the State would be entitled to three members in the next Congress, and on the 10th of September the first Congressional Districts were defined to be as follows:—

First District.—Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Doddridge, Harrison, Ritchie, Wood, Wirt, Gilmer, Calhoun and Lewis.

Second District.—Taylor, Marion, Monongalia, Preston, Tucker, Barbour, Upshur, Webster, Pocahontas, Randolph, Pendleton, Hardy, Hampshire, Berkeley and Morgan.

Third District.—Kanawha, Jackson, Mason, Putnam, Cabell, Clay, Wayne, Logan, Boone, Braxton, Nicholas Roane, McDowell, Wyoming, Raleigh, Fayette, Mercer, Monroe and Greenbrier.

The following joint resolution, adopted September 17, presents a strange contrast after the lapse of more than twenty years of peace: "*Resolved*, That we have heard with delight the cheering news of the recent triumph of our arms in the South and Southwest, and especially do we hear with unbounded joy the tidings of the deliverance of our suffering loyal brethren of East Tennessee from the despotism of the so-called Southern Confederacy."

The body having completed the work of a busy session adjourned December 11, 1863.

SECOND LEGISLATURE.

Convened at Wheeling, January 19, 1864. Adjourned March 3, 1864.

SENATE.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
W. E. Stevenson . .	45	Farmer	Pennsylvania	Fifth.
John H. Atkinson . .	44	Manufacturer	Ohio	First.
Aaron Bechtol . . .	54	Stageman	Virginia	Tenth.
John B. Bowen . . .	46	Farmer	"	Eighth.
John J. Brown . . .	39	Lawyer	"	Third.
Edward C. Bunker .	36	"	New York City	"
James Burley . . .	62	Farmer	Pennsylvania	Second.
James Carskadon . .	44	"	Virginia	Tenth.
William H. Copley .	44	Merchant	"	Eighth.

SENATE.—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
William S. Dunbar	40	Carpenter	Virginia	Ninth.
D. D. T. Farnsworth	45	Merchant	New York	Sixth.
Aaron Hawkins	65	Farmer	Pennsylvania	Second.
Daniel Haymond	76	"	Virginia	Fourth.
Chester D. Hubbard	40	Banker	Connecticut	First.
Edward S. Malton	47	Farmer	Maryland	Fifth.
Edwin Maxwell	36	Lawyer	Virginia	Fourth.
John M. Phelps	43	Minister	"	Seventh.
William D. Rollyson	26	Merchant	"	Sixth.
Greenbury Slack	56	Farmer	"	Seventh.
Samuel Young	36	Minister	"	Ninth.

WILLIAM E. STEVENSON *President.*
 ELLERY R. HALL *Clerk.*
 ALPHEUS D. HAGANS *Sergeant at-Arms.*
 THOMAS L. BOGGESS *Doorkeeper.*

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Le Roy Kramer	44	Merchant	Pennsylvania	Monongalia.
William Alexander	49	Farmer	Virginia	Marshall.
James I. Barrick	32	Merchant	"	Hampshire.
John Boggs	49	Farmer	"	Pendleton.
Lewis Bumgardner	47	"	"	Mason.
Charles W. Burke	41	"	Ohio	5th Del. Dist.
William Cassady	59	"	Virginia	Fayette.
Jesse H. Cather	42	"	"	Taylor.
Samuel A. Childers	48	Carpenter	"	Cabell.
Mitchell Cook	46	Farmer	"	6th Del. Dist.
Thomas Copley	61	"	"	Wayne.
William L. Crawford	37	"	"	Hancock.
Horatio N. Crooks	62	"	Pennsylvania	1st Del. Dist.
David Cunningham	60	"	Virginia	Marion.
Samuel R. Dawson	39	Minister	Maryland	Ritchie.
J. H. Dis Debar	43	Farmer	France	Doddridge.
Abijah Dolly	46	"	Virginia	Hardy.
Michael Dunn	49	Merchant	"	Marshall.
Solomon S. Fleming	51	"	"	Harrison.
Alfred Foster	43	"	"	Wirt.
Nathan Goff, Sen.	66	Banker	New York	Harrison.
Benoni Griffin	50	Farmer	Virginia	4th Del. Dist.
Robert Hagar	54	Minister	"	Bone.
James H. Hinchman	46	Farmer	"	Logan.
Henson L. Hoff	58	"	"	Barbour.
Isaac Holman	54	"	Pennsylvania	Marion.
David J. Keenev	40	Merchant	Virginia	Jackson.
William H. King	38	Carpenter	"	Preston.
Daniel Lamb	54	Lawyer	Pennsylvania	Ohio.

DELEGATES.—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Thomas H. Logan . .	36	Merchant	Pennsylvania	Ohio.
John B. Lough . . .	51	Farmer	Virginia	Monongalia.
A. J. McDonald . . .	36	"	"	2d Del. Dist.
James C. McGrew . .	50	Merchant	"	Preston.
Dudley S. Montague	63	Hotel Keeper	"	Putnam.
Enos W. Newton . . .	68	Editor	Vermont	Kanawha.
Aaron D. Peterson . .	49	Farmer	Virginia	Lewis.
Anthony Rader . . .	53	Physician	"	3d Del. Dist.
Samuel I. Robinson .	37	Farmer	Pennsylvania	Wetzel.
Andrew F. Ross . . .	47	Teacher	"	Ohio.
Lewis Ruffner . . .	67	Manufacturer	Virginia	Kanawha.
Charles F. Scott . . .	26	Lawyer	"	Brooke.
George W. Sheetz . .	39	Carpenter	"	Hampshire.
Abraham D. Soper . .	68	Lawyer	New York	Tyler.
Henry Stump	47	Surveyor	Virginia	Roane.
Felix Sutton	62	Farmer	D. Columbia	Braxton.
Alva Teter	42	"	Virginia	Upshur.
Joseph S. Wheat . . .	61	"	"	Morgan.
James W. Williamson	50	"	"	Wood.

LE ROY KRAMER *Speaker.*
 GRANVILLE D. HALL *Clerk.*
 WILLIAM P. HUBBARD *Assistant Clerk.*
 S. G. W. MORRISON *Sergeant at Arms.*
 WILLIAM W. HOLLIDAY *Doorkeeper.*

The work of this Session consisted chiefly in the passage of Acts relative to military affairs. The first Board of Directors of the Hospital for the Insane made its first Report. The members held their appointments from the Governor, and were as follows: Minter Bailey, Elias Fisher, H. Daugherty, John P. Peterson, J. Woofter, and E. M. Tunstill.

THIRD LEGISLATURE.

Convened at Wheeling, January 17, 1865. Adjourned March 3, 1865.

SENATORS.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
John H. Atkinson . .	45	Bricklayer	Ohio	First.
Aaron Bechtol	55	Stageman	Virginia	Tenth.
John B. Bowen	47	Farmer	"	Eighth.
John J. Brown	39	Lawyer	"	Third.

SENATORS.—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
James Burley	63	Farmer	Pennsylvania	Second.
William F. Chambers	65	"	Virginia	Ninth.
James M. Corley . .	55	"	"	Sixth.
William S. Dunbar . .	41	Carpenter	"	Ninth.
D. D. T. Farnsworth	45	Merchant	New York	Sixth.
Aaron Hawkins . . .	65	Farmer	Pennsylvania	Second.
Daniel Haymond . . .	77	"	Virginia	Fourth.
B. M. Kitchen	52	"	"	Tenth.
E. S. Mahon	49	"	Maryland	Fifth.
Edwin Maxwell	37	Lawyer	Virginia	Fourth.
Daniel Peck	66	"	Vermont	First.
John M. Phelps	44	Minister	Virginia	Seventh.
William Price	60	Farmer	Pennsylvania	Third.
Greenbury Slack . . .	57	"	Virginia	Seventh.
E. D. Wright	54	"	"	Eighth.
W. E. Stevenson . . .	46	"	Pennsylvania	Fifth.

WILLIAM E. STEVENSON *President.*ELLERY R. HALL *Clerk.*A. D. HAGANS *Sergeant-at-Arms.*THOMAS L. BOGGESS *Doorkeeper.*

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Le Roy Kramer . . .	45	Merchant	Pennsylvania	Monongalia.
Thomas P. Adams . .	40	Claim Agent	Ohio	Hampshire.
William Alexander . .	50	Farmer	Virginia	Marshall.
John S. Barnes . . .	48	"	"	Marion.
John Boggs	50	"	"	Pendleton.
Greenbury D. Bonar .	64	"	"	Ohio.
William S. Cassady .	60	"	"	Fayette.
Nicholas Casto . . .	39	"	"	Jackson.
Jesse H. Cather . . .	44	"	"	Taylor.
Joseph A. Chapline .	30	Lawyer	"	Jefferson.
George K. Cox	43	Farmer	"	2d Del. Dist.
Horatio N. Crooks . .	63	"	Pennsylvania	1st Del. Dist.
O. D. Downey	50	Hotel Keeper	"	Hampshire.
Lewis Dyche	42	Laborer	Virginia	Morgan.
James H. Ferguson . .	49	Lawyer	"	Cabell.
Solomon S. Flenning .	52	Merchant	"	Harrison.
Jacob T. Galloway . .	52	Farmer	Maryland	Tyler.
Baptiste Gilmore . .	40	Merchant	Maine	Mason.
Nathan Goff, Sen . . .	69	Banker	New York	Harrison.
Theodore N. Gorrell .	39	Clerk	Maryland	Ohio.
Adam Gregory	33	Farmer	Virginia	4th Del. Dist.
Benjamin Hagar . . .	51	Minister	"	Boone.
Joseph W. Hale . . .	48	Farmer	Connecticut	Wirt.
James H. Hinchman .	49	"	Virginia	Logan.

DELEGATES—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Isaac Holman . . .	55	Farmer	Pennsylvania	Marion.
Harvey F. Hver	Braxton.
John Keller . . .	57	Farmer	Virginia	Barbour.
William H. King . . .	39	Carpenter	"	Preston.
George Koonce . . .	46	Merchant	Ohio	Jefferson.
Edmund Kyle . . .	33	Farmer	Virginia	Wetzel.
Daniel Lam . . .	55	Lawyer	Pennsylvania	Ohio.
Thomas Little . . .	46	Farmer	Virginia	Mercer.
John B. Lough . . .	52	"	"	Monongalia.
William Mairs . . .	36	Physician	Ohio	Kanawha.
John Michael . . .	48	Farmer	Virginia	Hardy.
Joshua S. Morris . . .	48	"	"	Putnam.
James C. McGrew . . .	51	Merchant	"	Preston.
Henry C. McWhorter . . .	28	Clerk	Ohio	Roane.
Abel B. Parks . . .	57	Farmer	Virginia	Doddridge.
Spicer Patrick . . .	71	Physician	New York	Kanawha.
Aaron D. Peterson . . .	50	Farmer	Virginia	Lewis.
Jesse F. Phares . . .	30	Merchant	"	5th Del. Dist.
David S. Pinnell . . .	52	Physician	"	Upshur.
Eli Riddle . . .	60	Farmer	"	Ritchie.
Charles F. Scott . . .	27	Lawyer	"	Brooke.
Abel Segur . . .	55	Farmer	Connecticut	Wayne.
Buckner J. Smith . . .	44	Brick Maker	Ohio	Hancock.
William Smith . . .	45	Farmer	Pennsylvania	Berkeley.
Benj. L. Stephenson . . .	40	"	Virginia	3d Del. Dist.
Thomas H. Traister . . .	48	Minister	"	Marshall.
Rathbone Van Winkle . . .	30	Lawyer	New Jersey	1st Del. Dist.
Meredith Wells . . .	47	Farmer	Virginia	6th Del. Dist.
William Wilen . . .	45	Merchant	Maryland	Berkeley.

LE ROY KRAMER *Speaker.*
 GRANVILLE D. HALL *Clerk.*
 WILLIAM P. HUBBARD *Assistant Clerk.*
 S. G. W. MORRISON *Sergeant at Arms.*
 JOSEPH S. WHEAT *Doorkeeper.*

The Governor, in his message to the Third Legislature, said: "The history of the past year is full of interest to every patriot. Prosperity has attended every branch of business, and, were it not for this unfortunate rebellion, we would be the happiest people on the face of the earth."

January 31, Waitman T. Willey was re-elected as the successor of himself, to a seat in the United States Senate, receiving fifty-three votes, the whole number cast being sixty-nine. It will be remembered that when elected in 1863, he drew the short term of two years.

FOURTH LEGISLATURE.

Convered at Wheeling, January 16, 1866. Adjourned March 1, 1866.

SENATORS.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
William E. Stevenson	47	Farmer	Pennsylvania	Fifth.
James Burley	64	"	"	Second.
John S. Burdett . . .	47	Merchant	Virginia	Third.
William F. Chambers	66	Farmer	"	Ninth.
Joseph A. Chapine . .	31	Lawyer	"	Tenth.
James M. Corley . . .	56	Farmer	"	Sixth.
D. H. K. Dix	38	Minister	"	Seventh.
I. H. Duval	41	Merchant	"	First.
Robert Hagar	56	Minister	"	Eighth.
Aaron Hawkins	66	Farmer	Pennsylvania	Second.
Daniel Haymond . . .	78	"	Virginia	Fourth.
B. M. Kitchen	53	"	"	Tenth.
E. S. Mahon	50	"	Maryland	Fifth.
Edwin Maxwell	38	Lawyer	Virginia	Fourth.
Emmet J. O'Brien . .	46	Mechanic	"	Sixth.
Daniel Peck	67	Lawyer	Vermont	First.
William Price	61	Farmer	Pennsylvania	Third.
Greenbury Slack . . .	58	"	Virginia	Seventh.
E. D. Wright	55	"	"	Eighth.

W. E. STEVENSON *President.*
 ELLERY R. HALL *Clerk.*
 E. W. S. MOORE *Assistant Clerk.*
 ALPHUS D. HAGAN *Sergeant-at-Arms.*
 RICHARD G. MAHON *Doorkeeper.*

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
D. S. Pinnell	53	Physician	Virginia	Upshur.
John C. Ballard . . .	47	Millwright	"	Monroe.
Ephraim Bee	63	Farmer	"	Doddridge.
Jacob C. Beeson . . .	52	Merchant	"	Marion.
Joseph Bell	46	Manufacturer	"	Ohio.
John Bennet	49	Minister	"	2d Del. Dist.
Jacob H. Bristor . . .	31	Teacher	Pennsylvania	Taylor.
Alfred W. Brown . . .	42	Farmer	Virginia	Monongalia.
Richard P. Camden . .	55	Banker	"	Lewis.
John S. P. Carroll . .	36	Farmer	"	Wayne.
James S. Cassady . . .	45	"	"	Fayette.
Henry S. Combs	47	Ironmaster	"	Monongalia.
Mitchell Cook	48	Farmer	"	6th Del. Dist.
Samuel Cooper	45	Merchant	"	Hampshire.
David Cunningham . .	62	Farmer	"	Marion.
William B. Curtis . . .	44	Merchant	Maryland	Ohio.
Peter Darnel	50	Millwright	Virginia	Mason.

DELEGATES—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Henry G. Davis . . .	41	Merchant	Maryland	Hampshire.
Abijah Dolly . . .	49	Farmer	Virginia	Hardy.
Lewis Dyche . . .	43	Laborer	"	Morgan.
Solomon S. Fleming .	53	Merchant	"	Harrison.
James F. Given . . .	47	Blacksmith	"	Braxton.
Nathan Goff, Sen. . .	68	Banker	New York	Harrison.
Harrison Hagans . . .	69	Merchant	Vermont	Preston.
James H. Higgins . .	38	Wheelwright	Pennsylvania	Jackson.
Ulysses Hinchman . .	58	Physician	Virginia	Logan.
Abram Hinkle . . .	30	Merchant	"	Pendleton.
George Hooker . . .	50	Farmer	Ohio	Brooke.
Jacob Hornbrook . . .	53	Merchant	England	Ohio.
Daniel D. Johnson . .	29	Farmer	Virginia	Tyler.
John Kellar . . .	58	"	"	Barbour.
George Koonce . . .	47	Merchant	Ohio	Jefferson.
Edmund Kyle . . .	36	Farmer	Pennsylvania	Wetzel.
Thomas Little . . .	47	"	Virginia	Mercer.
M. L. Lockhart . . .	30	Clerk	"	Wirt.
William Mairs . . .	37	Physician	Ohio	Kanawha.
Rufus Maxwell . . .	37	Farmer	Virginia	5th Del. Dist.
Joseph E. McCoy . . .	27	Merchant	"	Roane.
Charles H. McCurdy .	44	Farmer	"	Jefferson.
A. R. McQuilkin . . .	48	Merchant	"	Berkeley.
H. C. McWhorter . . .	29	Lawyer	Ohio	Kanawha.
Anthony Rader . . .	55	Physician	Virginia	3d Del. Dist.
Eli Riddle . . .	61	Farmer	"	Ritchie.
Buckner J. Smith . . .	44	Brickmaker	Ohio	Hancock.
William Smith . . .	46	Farmer	Pennsylvania	Berkeley.
Samuel S. Spencer . .	44	"	Virginia	1st Del. Dist.
Samuel B. Sidger . . .	35	Physician	Ohio	Marshall.
Thomas H. Trainer . .	48	Minister	Virginia	"
James W. Williamson .	53	Farmer	"	1st Del. Dist.
John S. Witcher . . .	26	Merchant	"	Cabell.
William Workman . . .	44	Farmer	"	Boone.
William B. Zinn . . .	68	"	"	Preston.

D. S. PINNELL *Speaker.*WILLIAM P. HUBBARD *Clerk.*ANDREW JOHNSON *Assistant Clerk.*S. G. W. MORRISON *Sergeant-at-Arms.*JOSEPH S. WHEAT *Doorkeeper.*

In both branches there were several contested seats. The contest of Robert Hagar from the Eighth District for that of John Cook was sustained. The contest of O. D. Downey for the seat of Joseph A. Chapline from the Tenth District was withdrawn, and that of A. Werringer for the seat of Daniel Haymond from the Fourth District was not sustained. Henry M.

Matthews, elected from the Ninth District, produced a paper showing that he had taken and subscribed before a Notary Public, in Greenbrier County, an oath to support the Constitution of the United States, but was informed by the President that it was not the oath required to be taken by a Senator. He refused to take the prescribed oath, and his seat was declared vacant.

In the House, John J. Thompson, of Putnam, John T. Beard, from the Fourth Delegate District, James Withrow, of Greenbrier, and Elliot Vawter, of Monroe, refused to qualify. The contest by John S. P. Carroll for the seat of William Brumfield, of Wayne, was sustained; that of John Dawson against Lewis Dyche, of Morgan, together with that of John Michael against Abijah Dolly, of Hardy, was dismissed.

FIFTH LEGISLATURE.

Convened at Wheeling, January 15, 1867. Adjourned, February 28, 1867.

SENATORS.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
William E. Stevenson	48	Farmer	Pennsylvania	Fifth.
John S. Burdett . . .	48	Merchant	Virginia	Third.
James Burley	65	Farmer	"	Second.
James Carskadon . . .	47	"	"	Tenth.
Joseph A. Chapline . .	32	Lawyer	"	Eleventh.
D. H. K. Dix	39	Minister	"	Seventh.
Abijah Dolly	49	Farmer	"	Tenth.
Isaac H. Duval	42	Merchant	"	First.
D. D. T. Farnsworth	47	Farmer	New York	Sixth.
Robert Hagar	57	Minister	Virginia	Eighth.
Daniel Haymond . . .	79	Farmer	"	Fourth.
Joseph T. Hoke	31	Lawyer	"	Eleventh.
Edward S. Mahon . . .	51	Farmer	Maryland	Fifth.
Reuben Martin	53	"	Virginia	Second.
E. J. O'Brien	47	Mechanic	"	Sixth.
Greenbury Slack . . .	59	Farmer	"	Seventh.
Charles A. Thatcher . .	57	Physician	New York	Ninth.
Alstorpius Werninger	61	Justice	Virginia	Fourth.
Andrew Wilson	56	Manufacturer	"	First.
Edward D. Wright . . .	56	Farmer	"	Eighth.
Samuel Young	38	Minister	"	Ninth.
William B. Zinn	69	Farmer	"	Third.

WILLIAM E. STEVENSON	<i>President.</i>
ELLERY R. HALL	<i>Clerk.</i>
EDWIN W. S. MOORE	<i>Assistant Clerk.</i>
A. D. HAGANS	<i>Sergeant-at-Arms.</i>
R. G. MAHON	<i>Doorkeeper.</i>

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
David S. Pinnell . . .	54	Physician	Virginia	Upshur.
S. T. Armstrong . . .	25	Lawyer	Maryland	Marshall.
Rhodes D. Ballard . .	61	Farmer	Virginia	Logan.
Ephraim Bee	64	"	"	Doddridge.
Jacob C. Reeson . . .	53	Merchant	"	Marion.
Jacob M. Rickel . . .	50	"	Pennsylvania	Ohio.
David Billmyer	55	Farmer	Virginia	Jefferson.
Thomas Boggess . . .	37	"	"	Roane.
William I. Boreman . .	50	Lawyer	Pennsylvania	Tyler.
John Bowyer	70	Farmer	Virginia	Putnam.
Alpheus W. Brown . . .	43	"	"	Monongalia.
John W. Brown	37	"	"	Ohio.
Charles W. Burke . . .	44	"	Ohio	5th Del. Dist.
Joseph F. Caldwell . .	71	Physician	Virginia	Greenbrier.
John J. S. P. Carroll . .	37	Farmer	"	Wayne.
Samuel Cooper	40	Merchant	"	Hampshire.
John W. Cracraft . . .	28	Lawyer	Pennsylvania	Kanawha.
David Cunningham . . .	63	Farmer	Virginia	Marion.
Reuben Davison	45	"	"	Taylor.
James H. Ferguson . . .	49	Lawyer	"	Calwell.
Solomon S. Fleming . .	54	Merchant	"	Harrison.
Joseph H. Gibson . . .	46	"	Pennsylvania	Preston.
Nathan Goff, Jr	25	Lawyer	Virginia	Harrison.
James Grose	63	Farmer	"	3d Del. Dist.
George Harman	38	"	"	7th Del. Dist.
Thomas M. Harris . . .	53	Editor	"	Ritchie.
Francis Heermans . . .	30	Merchant	Pennsylvania	Preston.
James H. Hibbets . . .	25	Farmer	Virginia	Hancock.
Jonathan Hiser	36	"	"	Pennileton.
N. N. Hoffman	40	Editor	"	Monongalia.
John Johnson	50	Farmer	England	Jackson.
John Kellar	59	"	Virginia	Barbour.
John Kincaid	55	Merchant	"	Fayette.
George Koonce	48	"	Ohio	Jefferson.
Daniel Lamb	57	Lawyer	Pennsylvania	Ohio.
John G. Lane	37	"	Virginia	Wetzel.
J. A. J. Lightburn . . .	43	Miller	Pennsylvania	Lewis.
Thomas Little	48	Farmer	Virginia	Mercer.
M. L. Lockhart	31	Clerk	"	Wirt.
Andrew W. Mann	33	Farmer	"	Greenbrier.
T. F. Marshman	43	Physician	Pennsylvania	Marshall.
Jacob McCartv	45	Farmer	Virginia	4th Del. Dist.
A. R. McQuilkin	49	Merchant	"	Berkeley.
H. C. McWhorter	30	Lawyer	Ohio	Kanawha.
Fields F. Neel	56	Farmer	Virginia	Monroe.
John D. Payne	29	"	"	6th Del. Dist.
Edward Smith	71	Physician	"	Brooke.

DELEGATES—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
William Smith . . .	47	Farmer	Pennsylvania	Berkeley.
William H. Snider . .	51	"	Virginia	2d Del. Dist.
Samuel S. Spencer . .	45	"	"	1st Del. Dist.
Gustavus F. Taylor . .	30	Lawyer	"	Braxton.
Charles A. Vaughan . .	44	Farmer	"	Mason.
Wright Welton . . .	56	"	"	Mineral.
Joseph S. Wheat . . .	64	Tanner	"	Morgan.
James A. Williamson . .	46	Physician	"	1st Del. Dist.
William Workman . . .	45	Farmer	"	Boone.

DAVID S. PINNELL *Speaker.*
 WILLIAM P. HUBBARD *Clerk.*
 ANDREW JOHNSON *Assistant Clerk.*
 S. G. W. MORRISON *Sergeant-at-Arms.*

January 25th the House received a copy of a joint resolution adopted by the General Assembly of Virginia, the object of which was the reunion of the two States. It declared: "That the people of Virginia deeply lament the dismemberment of the old State, and are sincerely desirous to establish and perpetuate the reunion of the States of Virginia and West Virginia, and that they do confidently appeal to their brethren of West Virginia to concur with them in the adoption of suitable measures of coöperation in the restoration of the ancient Commonwealth of Virginia, with all her people and up to her former boundaries."

In response the House, on the 28th of February, set forth in a preamble to a series of resolutions: "That the citizens of West Virginia deeply regret the civil strife—for which they were in no way responsible—in the midst of which they secured their State organization, yet they regard their separate State existence of the most vital importance to them, and have no purpose or intention whatever of reuniting with the State of Virginia."

At this session a bill to establish a permanent seat of Government for the State was reported, but indefinitely postponed.

SIXTH LEGISLATURE.

Convened at Wheeling, January 21, 1868. Adjourned, March 5, 1868.

SENATORS.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
William E. Stevenson	49	Farmer	Pennsylvania	Fifth.
Lewis Applegate . . .	60	"	Virginia	First.
William I. Boreman . .	51	Lawyer	Pennsylvania	Fourth.
James Burley	66	Farmer	Virginia	Second.
James Carskadon . . .	48	"	"	Tenth.
Joseph A. Chapline . .	33	Lawyer	"	Eleventh.
D. H. K. Dix	40	Minister	"	Seventh.
John Dawson	64	Farmer	"	Tenth.
Willis J. Drummond . .	29	Merchant	"	Sixth.
D. D. T. Farnsworth	48	Farmer	New York	Sixth.
Alfred Foster	47	Merchant	Virginia	Fifth.
Joseph T. Hoke . . .	32	Lawyer	"	Eleventh.
Alex. R. Humphreys	57	Grazier	"	Ninth.
Reuben Martin	54	Farmer	"	Second.
William Price	63	"	Pennsylvania	Third.
Greenbury Slack . . .	60	"	Virginia	Seventh.
Alstorpius Werninger	62	Justice	"	Fourth.
Andrew Wilson	57	Manufacturer	"	First.
William Workman . . .	46	Farmer	"	Eighth.
Edward D. Wright . . .	57	"	"	"
Samuel Young	39	Minister	"	Ninth.
William B. Zinn . . .	70	Farmer	"	Third.

WILLIAM E. STEVENSON *President.*

ELMERY R. HALL *Clerk.*

EDWIN W. S. MOORE *Assistant Clerk.*

A. D. HAGANS *Sergeant-at-Arms.*

R. G. MAHON *Doorkeeper.*

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Henry C. McWhorter	31	Lawyer	Ohio	Kanawha.
William Adamson . . .	69	Merchant	Ireland	Pendleton.
Joseph W. Allison . .	37	Machinist	Virginia	Hancock.
S. T. Armstrong . . .	26	Lawyer	Maryland	Marshall.
Henry Bender	27	Farmer	"	Braxton.
David Billmyer	56	"	Virginia	Jefferson.
Jacob B. Blair	46	Lawyer	"	1st Del. Dist.

DELEGATES—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Thomas Boggess . . .	38	Farmer	Virginia	Roane.
James V. Boughner . .	54	Physician	"	Monongalia.
Edmund H. Chambers	60	Farmer	Maryland	Jefferson.
Owen G. Chase . . .	38	Physician	Ohio	Putnam.
John L. Cole . . .	41	Surveyor	Virginia	Kanawha.
William B. Crane . . .	45	Farmer	"	Preston.
Reuben Davison . . .	46	"	"	Taylor.
J. W. Dunnington . .	26	Lawyer	"	5th Del. Dist.
George Evans . . .	43	Farmer	Pennsylvania	Mercer.
Benjamin Fleming . .	61	"	Virginia	Marion.
Solomon S. Fleming . .	55	Merchant	"	Harrison.
James H. Ferguson . .	50	Lawyer	"	Cabell.
John Ferguson . . .	60	Banker	Pennsylvania	Marshall.
Nathan Goff, Jr. . .	26	Lawyer	Virginia	Harrison.
Samuel Gold . . .	35	Farmer	"	Berkeley.
Adam Gregory . . .	37	Minister	"	4th Del. Dist.
Robert Hagar . . .	58	"	"	Boone.
Matthew K. Harrow . .	42	Farmer	"	Fayette.
Francis Heermans . .	31	Merchant	Pennsylvania	Preston.
James Hervey . . .	48	Lawyer	Ohio	Brooke.
Ulysses Hinchman . .	60	Physician	Virginia	Logan.
Fenelon Howes . . .	39	Farmer	"	Barbour.
Alexander Huffman . .	72	"	"	2d Del. Dist.
Alexander M. Jacob . .	43	"	"	Ohio.
Noah James . . .	46	"	"	Doddridge.
John Largent . . .	41	"	"	Hampshire.
Edward S. Mahon . . .	52	"	Maryland	Jackson.
Andrew W. Mann . . .	34	"	Virginia	Greenbrier.
George W. Martin . . .	57	"	"	Marion.
James T. McClaskey . .	51	"	Maryland	Monongalia.
William W. Miller . .	30	Manufacturer	Virginia	Ohio.
John W. Morgan . . .	53	Farmer	"	Wetzel.
Cyrus Newlin . . .	29	Lawyer	Pennsylvania	Monroe.
Joseph W. Parker . . .	38	"	"	Ohio.
David S. Pinnell . . .	55	Physician	Virginia	Upshur.
Henry W. Pope . . .	33	Farmer	"	7th Del. Dist.
William M. Powell . .	33	"	"	Tyler.
William C. Richmond .	44	"	"	6th Del. Dist.
Eli Riddle . . .	63	"	"	Ritchie.
J. Rufus Smith . . .	39	Lawyer	"	Morgan.
Jackson Spaulding . .	52	Farmer	"	Wayne.
William H. Steere . . .	27	"	Ohio	1st Del. Dist.
William C. Stewart . .	30	Lawyer	Pennsylvania	Wirt.
Levi J. Tabler . . .	48	Farmer	Virginia	Berkeley.
William H. Tomlinson .	35	Lawyer	Ohio	Mason.
William Waggy . . .	45	Farmer	Virginia	3d Del. Dist.
William M. Welch . . .	26	Lawyer	Maryland	Mineral.
Asa Woodford . . .	34	Farmer	Virginia	Lewis.

HENRY C. MCWHORTER *Speaker.*
 WILLIAM P. HUBBARD *Clerk.*
 ANDREW JOHNSON *Assistant Clerk.*
 S. G. W. MORRISON *Sergeant-at-Arms.*
 JOHN Q. BELLVILLE *Doorkeeper.*

The Governor convened this Legislature in extra session, June 2d, following adjournment, "with a view of considering and determining upon the Code of West Virginia." July 28th, it took a recess until November 10th, and adjourned *sine die* December 30th.

SEVENTH LEGISLATURE.

Convened at Wheeling, January 19, 1869. Adjourned, March 4, 1869.

SENATORS.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
Lewis Applegate . .	61	Farmer	Virginia	First.
William I. Boreman .	52	Lawyer	Pennsylvania	Fourth.
James Burley . . .	69	Farmer	"	Second.
Joseph A. Chapline .	35	Lawyer	Virginia	Eleventh.
Jesse H. Cathers . .	48	Farmer	"	Third.
D. H. K. Dix . . .	41	Minister	"	Seventh.
John Dawson . . .	65	Farmer	"	Tenth.
Willus J. Drummond	30	Merchant	"	Sixth.
Henry G. Davis . .	42	"	Maryland	Tenth.
Ephraim Doolittle .	34	Minister	Virginia	Second.
Alfred Foster . . .	48	Merchant	"	Fifth.
D. D. T. Farnsworth	49	Grazier	New York	Sixth.
Joseph T. Hoke . .	33	Lawyer	Virginia	Eleventh.
Alex. R. Humphreys	58	Farmer	"	Ninth.
George K. Leonard .	53	Merchant	"	Fifth.
William Price . . .	65	Farmer	Pennsylvania	Third.
John M. Phelps . .	48	Lawyer	Virginia	Seventh.
Z. D. Ramsdell . .	52	Manufacturer	Maine	Eighth.
A. Werninger . . .	63	Justice	Virginia	Fourth.
Andrew Wilson . .	58	Merchant	"	First.
Andrew Workman .	48	Farmer	"	Eighth.
Samuel Young . . .	40	Minister	"	Ninth.

D. D. T. FARNSWORTH	<i>President.</i>
E. W. S. MOORE	<i>Clerk.</i>
H. M. CAGE	<i>Assistant Clerk.</i>
A. D. HAGANS	<i>Sergeant-at-Arms.</i>
ROBERT HAGAR	<i>Doorkeeper.</i>

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Joseph W. Allison .	38	Machinist	Virginia	Hancock.
Rhodes D. Ballard .	63	Farmer	"	Logan.
John Bowyer . . .	72	"	"	Putnam.
George W. Carpenter	42	Minister	"	Greenbrier.

DELEGATES—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
James Carpenter . .	52	Farmer	Virginia	Monroe.
John J. S. P. Carroll .	39	"	"	Wayne.
Benjamin F. Charlton .	34	Surveyor	Pennsylvania	Marion.
Andrew S. Core . .	54	Merchant	"	Ritchie.
Elias Cunningham . .	50	Farmer	Virginia	Braxton.
Reuben Davisson . .	47	"	"	Taylor.
Henry H. Dils . . .	60	"	"	1st Del. Dist.
John W. Duffey . .	58	"	"	7th Del. Dist.
George Edwards . .	45	Merchant	Pennsylvania	Marshall.
William H. H. Flick .	27	Lawyer	Ohio	Pendleton.
William M. French . .	50	Farmer	Virginia	Mercer.
Solomon S. Fleming .	56	Merchant	"	Harrison.
Alpheus Garrison . .	35	Farmer	Pennsylvania	Monongalia.
Joseph H. Gibson . .	48	Merchant	"	Preston.
Samuel Gibson . . .	47	Farmer	Virginia	4th Del. Dist.
Samuel Gold . . .	36	"	"	Berkeley.
Benjamin F. Harrison	38	"	"	Jefferson.
Matthew W. Harrison	42	Lawyer	"	Lewis.
Sidney Haymond . .	39	Surveyor	"	Harrison.
Francis Heermans . .	33	Merchant	Pennsylvania	Preston.
James Hervey . . .	49	Lawyer	Ohio	Brooke.
Fenelon Howes . . .	40	Farmer	Virginia	Barbour.
John A. Huttoh . .	61	"	"	5th Del. Dist.
Alexander M. Jacob .	44	"	"	Ohio.
John J. Jacob . . .	29	Lawyer	"	Hampshire.
John S. Keever . . .	37	Physician	Ohio	1st Del. Dist.
John Kincaid . . .	58	Merchant	Virginia	Fayette.
Daniel Lamb . . .	59	Lawyer	Pennsylvania	Ohio.
Edward S. Mahon . .	53	Farmer	Maryland	Jackson.
Thomas S. Manion . .	26	Minister	Ireland	Wetzel.
Andrew W. Mann . .	35	Farmer	Virginia	Greenbrier.
Lewis A. Martin . .	30	Lawyer	"	Kanawha.
James T. McClaskey .	52	Farmer	Maryland	Monongalia.
Jacob J. Miller . . .	51	"	Virginia	Jefferson.
David S. Pinnell . .	56	Physician	"	Upshur.
William M. Powell . .	34	Farmer	"	Tyler.
Thomas G. Putnam . .	30	Lawyer	New York	3d Del. Dist.
John Reynolds . . .	40	Merchant	Virginia	Marshall.
Barney J. Rollins . .	48	Farmer	"	Mason.
Owen G. Scofield . .	32	Editor	New York	Wirt.
Charles W. Smith . .	47	Lawyer	"	Kanawha.
John Rufus Smith . .	40	"	Virginia	Morgan.
William H. Snider . .	53	Farmer	"	2d Del. Dist.
Jesse F. Snodgrass . .	40	"	"	Doddridge.
Lewis C. Stifel . . .	30	Calico Printer	"	Ohio.
Levi J. Tabler . . .	49	Farmer	"	Berkeley.
Richard Thomas . .	65	"	"	Marion.
Calvin Tyson . . .	44	"	"	Roane.
John T. Vance . . .	33	Merchant	"	Mineral.
Isaac P. Williams . .	36	Farmer	"	Boone.
William O. Wright . .	31	Merchant	"	8th Del. Dist.

SOLOMON S. FLEMING *Speaker.*
 WILLIAM P. HUBBARD *Clerk.*
 J. W. DUNNINGTON *Sergeant-at-Arms.*
 J. Q. BELLVILLE *Door-keeper.*

On the 4th of February the House went into an election for a United States Senator, to succeed Peter G. Van Winkle, whose term expired March 4, 1869. Daniel Lamb, of Ohio county, and Arthur I. Boreman, of Wood, were placed in nomination, and the ballot resulted in the election of the latter. The contest by Jacob J. Miller and John F. Smith for the seats of E. Willis Wilson and Benjamin F. Harrison, delegates from Jefferson, was sustained.

EIGHTH LEGISLATURE.

Convened at Wheeling, January 18, 1870. Adjourned, March 4, 1870.

SENATORS.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Lewis Applegate . . .	62	Farmer	Virginia	First.
William I. Boreman . .	53	Lawyer	Pennsylvania	Fourth.
John R. Brown	44	Farmer	Ohio	Second.
James Cather	55	"	Virginia	Fifth.
Jesse H. Cather	49	"	"	Third.
Mitchell Cook	52	"	"	Eighth.
William B. Crane . . .	45	"	"	Third.
Henry G. Davis	44	Merchant	Maryland	Tenth.
Spencer Dayton	49	Lawyer	Connecticut	Sixth.
Ephraim Doolittle . . .	35	Minister	Virginia	Second.
Samuel Gold	37	Farmer	"	Eleventh.
George Harman	41	"	"	Tenth.
Alex. R. Humphreys . .	59	"	"	Ninth.
George Koonce	52	Merchant	Ohio	Eleventh.
George K. Leonard . . .	54	"	Virginia	Fifth.
Spicer Patrick	74	Physician	New York	Seventh.
John M. Phelps	49	Lawyer	Virginia	"
Z. D. Ramsdell	53	Manufacturer	Maine	Eighth.
A. Werninger	64	Justice	Virginia	Fourth.
Andrew Wilson	59	Merchant	"	First.
Samuel Young	41	Minister	"	Ninth.
D. D. T. Farnsworth . .	50	Grazier	New York	Sixth.

D. D. T. FARNSWORTH *President.*
 EDWIN W. S. MOORE *Clerk.*
 HENRY M. CAGE *Assistant Clerk.*
 WILLIAM H. COLLETT *Sergeant-at-Arms.*
 JOHN H. CHARNOCK *Door-keeper.*

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
John R. M. Agnew . . .	47	Merchant	Virginia	1st Del. Dist.
Asbury C. Baker . . .	30	Lawyer	"	Preston.
B. F. Ballard	36	"	"	Monroe.
Rhodes D. Ballard . .	64	Farmer	"	Logan.
Nathan G. Barlow . .	46	Mechanic	"	4th Del. Dist.
George M. Beltzhoover	25	Lawyer	Pennsylvania	Jefferson.
Jerome T. Bowyer . .	28	"	Virginia	Putnam.
Henry Brannon . . .	32	"	"	Lewis.
Goble G. Burgess . .	37	"	Kentucky	Wayne.
George T. Carpenter .	43	Minister	Virginia	Greenbrier.
Rufus A. Chambers . .	46	Farmer	"	Monroe.
John Collins	55	Merchant	Pennsylvania	Preston.
Elbridge G. Cracraft .	23	Lawyer	"	Ohio.
John J. Davis	34	"	Virginia	Harrison.
Reuben Davisson . . .	48	Farmer	"	Taylor.
Daniel Donehoo . . .	42	Lawyer	Pennsylvania	Hancock.
George Evans	46	Farmer	"	Mercer.
John Faris	57	"	Virginia	Ohio.
Thomas G. Farnsworth	33	Merchant	"	Upshur.
Charles B. Fisher . .	31	Clerk	"	Wirt.
Richard A. Flanagan .	63	Farmer	"	Jayette.
William H. H. Flick .	28	Lawyer	Ohio	Pendleton.
William Gandee . . .	56	Farmer	Virginia	Roane.
Nathan Goff, Sen. . .	71	Banker	New York	Harrison.
James Guthrie	50	Merchant	Virginia	Wetzel.
Ferdinand R. Hassler	32	Civil Engineer	New York	Jackson.
James Hervey	50	Lawyer	Ohio	Brooke.
Robert M. Hill	36	Farmer	Pennsylvania	Marion.
Hiram R. Howard . .	27	Editor	Ohio	Mason.
William R. Howe . . .	48	Merchant	Maryland	Marshall.
James M. Jackson . .	44	Lawyer	Virginia	1st Del. Dist.
Martin Judy	27	Farmer	"	7th Del. Dist.
Daniel Lamb	60	Lawyer	Pennsylvania	Ohio.
John W. Lamon	43	Farmer	Virginia	Berkeley.
George Lynch	56	"	"	2d Del. Dist.
Rufus Maxwell	41	"	"	5th Del. Dist.
Alpheus McCoy	30	"	"	Braxton.
Francis W. Meadows .	41	"	"	Boone.
Jacob J. Miller	53	"	"	Jefferson.
Floyd Neely	46	"	"	Doddridge.
Francis H. Pierpont	Lawyer	"	Marion.
Alfred H. Pownall . .	40	Farmer	"	Hampshire.
William Price	65	"	Pennsylvania	Monongalia.
Thomas G. Putnam . .	31	Lawyer	New York	3d Del. Dist.
Noah Rexroad	56	Farmer	Virginia	Ritchie.
Jacob Ropp	51	"	"	Berkeley.
James Scott	55	"	"	6th Del. Dist.
Benjamin H. Smith . .	71	Lawyer	"	Kanawha.
George C. Sturgiss . .	27	"	Ohio	Monongalia.
A. E. Summers	45	Physician	Virginia	Kanawha.
Joseph Teter	41	Farmer	"	Barbour.
E. C. Thomas	35	Physician	Ohio	Marshall.

NAME	AGE	COMMENTS	NATURE	COUNTY
WILLIAM J. BROWN	35	WILLIAM J. BROWN	WILLIAM J. BROWN	MINERAL
JOHN A. BROWN	35	JOHN A. BROWN	JOHN A. BROWN	TYLER
JOHN A. BROWN	35	JOHN A. BROWN	JOHN A. BROWN	MORGAN
JOHN A. BROWN	35	JOHN A. BROWN	JOHN A. BROWN	LUCAS

1. The first part of the document is a list of names and their corresponding dates. The names are: "John Doe", "Jane Smith", "Bob Johnson", "Alice Brown", "Charlie White", "David Green", "Eve Black", "Frank Gray", "Grace Pink", "Henry Blue", "Ivy Yellow", "Jack Purple", "Karen Red", "Leo Orange", "Mia Silver", "Noah Gold", "Olivia Bronze", "Peter Copper", "Quinn Iron", "Rachel Steel", "Sam Tin", "Tina Lead", "Uma Zinc", "Victor Nickel", "Wendy Platinum", "Xavier Silver", "Yara Gold", "Zoe Bronze". The dates are: "1990-01-01", "1990-02-01", "1990-03-01", "1990-04-01", "1990-05-01", "1990-06-01", "1990-07-01", "1990-08-01", "1990-09-01", "1990-10-01", "1990-11-01", "1990-12-01", "1991-01-01", "1991-02-01", "1991-03-01", "1991-04-01", "1991-05-01", "1991-06-01", "1991-07-01", "1991-08-01", "1991-09-01", "1991-10-01", "1991-11-01", "1991-12-01", "1992-01-01", "1992-02-01", "1992-03-01", "1992-04-01", "1992-05-01", "1992-06-01", "1992-07-01", "1992-08-01", "1992-09-01", "1992-10-01", "1992-11-01", "1992-12-01".

The return of Anthony Rader for the seat of Thomas A. Flanagan from the Third Delegate District.

NOTE LEGISLATURE

FILED IN DEPT. OF COMMERCE, JANUARY 17, 1871. Attested March 2, 1871.

54-75

NAME	RESIDENCE	NATIVITY	DISTRICT
John A. Smith	London	English	Seventh
James B. White	London	English	Seventh
Robert C. Brown	London	English	Seventh
William D. Green	London	English	Seventh
Thomas E. Black	London	English	Seventh
Charles F. Grey	London	English	Seventh
Henry G. White	London	English	Seventh
John H. Black	London	English	Seventh
James I. Grey	London	English	Seventh
Robert J. White	London	English	Seventh
William K. Black	London	English	Seventh
Thomas L. Grey	London	English	Seventh
Charles M. White	London	English	Seventh
Henry N. Black	London	English	Seventh
John O. Grey	London	English	Seventh
James P. White	London	English	Seventh
Robert Q. Black	London	English	Seventh
William R. Grey	London	English	Seventh
Thomas S. White	London	English	Seventh
Charles T. Black	London	English	Seventh
Henry U. Grey	London	English	Seventh
John V. White	London	English	Seventh
James W. Black	London	English	Seventh
Robert X. Grey	London	English	Seventh
William Y. White	London	English	Seventh
Thomas Z. Black	London	English	Seventh
Charles AA. Grey	London	English	Seventh
Henry AB. White	London	English	Seventh
John AC. Black	London	English	Seventh
James AD. Grey	London	English	Seventh
Robert AE. White	London	English	Seventh
William AF. Black	London	English	Seventh
Thomas AG. Grey	London	English	Seventh
Charles AH. White	London	English	Seventh
Henry AI. Black	London	English	Seventh
John AJ. Grey	London	English	Seventh
James AK. White	London	English	Seventh
Robert AL. Black	London	English	Seventh
William AM. Grey	London	English	Seventh
Thomas AN. White	London	English	Seventh
Charles AO. Black	London	English	Seventh
Henry AP. Grey	London	English	Seventh
John AQ. White	London	English	Seventh
James AR. Black	London	English	Seventh
Robert AS. Grey	London	English	Seventh
William AT. White	London	English	Seventh
Thomas AU. Black	London	English	Seventh
Charles AV. Grey	London	English	Seventh
Henry AW. White	London	English	Seventh
John AX. Black	London	English	Seventh
James AY. Grey	London	English	Seventh
Robert AZ. White	London	English	Seventh
William BA. Black	London	English	Seventh
Thomas BB. Grey	London	English	Seventh
Charles BC. White	London	English	Seventh
Henry BD. Black	London	English	Seventh
John BE. Grey	London	English	Seventh
James BF. White	London	English	Seventh
Robert BG. Black	London	English	Seventh
William BH. Grey	London	English	Seventh
Thomas BI. White	London	English	Seventh
Charles BJ. Black	London	English	Seventh
Henry BK. Grey	London	English	Seventh
John BL. White	London	English	Seventh
James BM. Black	London	English	Seventh
Robert BN. Grey	London	English	Seventh
William BO. White	London	English	Seventh
Thomas BP. Black	London	English	Seventh
Charles BQ. Grey	London	English	Seventh
Henry BR. White	London	English	Seventh
John BS. Black	London	English	Seventh
James BT. Grey	London	English	Seventh
Robert BU. White	London	English	Seventh
William BV. Black	London	English	Seventh
Thomas BV. Grey	London	English	Seventh
Charles BW. White	London	English	Seventh
Henry BX. Black	London	English	Seventh
John BY. Grey	London	English	Seventh
James BZ. White	London	English	Seventh
Robert CA. Black	London	English	Seventh
William CB. Grey	London	English	Seventh
Thomas CC. White	London	English	Seventh
Charles CD. Black	London	English	Seventh
Henry CE. Grey	London	English	Seventh
John CF. White	London	English	Seventh
James CG. Black	London	English	Seventh
Robert CH. Grey	London	English	Seventh
William CI. White	London	English	Seventh
Thomas CJ. Black	London	English	Seventh
Charles CK. Grey	London	English	Seventh
Henry CL. White	London	English	Seventh
John CM. Black	London	English	Seventh
James CN. Grey	London	English	Seventh
Robert CO. White	London	English	Seventh
William CP. Black	London	English	Seventh
Thomas CQ. Grey	London	English	Seventh
Charles CR. White	London	English	Seventh
Henry CS. Black	London	English	Seventh
John CT. Grey	London	English	Seventh
James CU. White	London	English	Seventh
Robert CV. Black	London	English	Seventh
William CW. Grey	London	English	Seventh
Thomas CX. White	London	English	Seventh
Charles CY. Black	London	English	Seventh

1. Name	...
2. Address	...
3. City	...
4. State	...
5. Zip	...
6. Phone	...
7. E-mail	...
8. Signature	...
9. Date	...

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
B. F. Ballard . . .	37	Lawyer	Virginia	Monroe.
Robert G. Barr . . .	30	"	Pennsylvania	Ohio.
C. M. Bishop . . .	42	Merchant	Virginia	Preston.
John Boggs . . .	56	Farmer	"	Pendleton.
Henry Brannon . . .	33	Lawyer	"	Lewis.
Hamilton P. Brown . .	60	Farmer	"	Greenbrier.
E. E. Cracraft . . .	24	Lawyer	Pennsylvania	Ohio.
Lemuel Chenoweth . .	59	Mechanic	Virginia	Randolph.
A. D. Clarke . . .	29	Merchant	"	Upshur.
Reuben Davisson . . .	49	Farmer	"	Taylor.
David Donehoo . . .	43	Lawyer	Pennsylvania	Hancock.
John Faris . . .	58	Farmer	Virginia	Ohio.
James Ferguson . . .	53	Lawyer	"	Cabell.
Richard A. Flanagan .	64	Farmer	"	Fayette.
John Garrett . . .	65	"	"	Logan.
Isaac H. Griffin . . .	32	"	"	Webster.
Ferdinand R. Hassler .	34	Civil Engineer	New York	Jackson.
Francis W. Hoiskell . .	49	Farmer	Virginia	Hampshire.
James Hervey . . .	51	Lawyer	Ohio	Brooke.
Charles Horner . . .	50	Farmer	Virginia	Wetzel.
John H. Hovermale . .	43	Mechanic	"	Morgan.
James M. Jackson . . .	45	Lawyer	"	Wood.
John P. Jones . . .	38	Merchant	England	Preston.
Wesley C. Keever . . .	36	Physician	Ohio	Wood.
John W. Keys . . .	42	Plasterer	Virginia	Mineral.
Valentine Langfitt . .	38	Farmer	"	Doddridge.
Charles S. Lewis . . .	50	Lawyer	"	Harrison.
John B. Lough . . .	58	Farmer	"	Monongalia.
Byron Love . . .	35	"	"	Barbour.
William Lynch . . .	53	"	"	Gilmer.
Lewis A. Martin . . .	32	Lawyer	"	Kanawha.
John McCraw . . .	44	Farmer	"	Wyoming.
Benjamin McGinnis . .	35	"	Pennsylvania	Ritchie.
James L. McLean . . .	37	Lawyer	New Jersey	Putnam.
William R. McDonald .	58	Engineer	Virginia	Marshall.
Francis W. Meadows . .	42	Farmer	"	Boone.
James Morrow, Jr. . .	34	Lawyer	"	Marion.
M. C. Nadenbousch . .	43	Farmer	"	Berkeley.
James L. Nelson . . .	52	Dentist	"	Greenbrier.
Lewis S. Newman . . .	31	Farmer	"	Marshall.
Alpheus Pritchard . .	48	Merchant	"	Marion.
William D. Rollyson . .	32	"	"	Braxton.
William Shannon . . .	38	Farmer	Kentucky	Wayne.
Samuel Sheppard . . .	68	"	Virginia	Wirt.
David Simmons . . .	34	"	"	Roane.
A. W. Smith . . .	51	Merchant	"	Grant.
Anthony Smith . . .	27	Farmer	"	Tyler.
John A. Stehly . . .	48	Physician	Pennsylvania	Berkeley.
Benj. L. Stephenson . .				
C. E. Stubbs . . .	25	Lawyer	Pennsylvania	Jefferson.
George C. Sturgiss . .	28	"	Ohio	Monongalia.
Sylvester Upton . . .	58	Farmer	Virginia	Mercer.

DELEGATES—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
William H. Webster .	35	Manufacturer	Michigan	Mason.
Thomas J. West . .	35	Farmer	Virginia	Harrison.
E. Willis Wilson . .	26	Lawyer	"	Jefferson.
Benjamin F. Wyatt .	40	Farmer	"	Kanawha.

E. E. CRACRAFT *Speaker.*
 WILLIAM T. BURDETT *Clerk.*
 JOHN W. HORNER *Sergeant-at-Arms.*
 O. H. P. WASHBURN *Doorkeeper.*

February 1st, the Legislature proceeded to the election of a United States Senator, to succeed Waitman T. Willey, whose term expired March 4th, 1871. James H. Brown and Henry G. Davis were nominated and the latter elected.

TENTH LEGISLATURE.

Convened at Charleston, January 16, 1872. Adjourned, February 29, 1872.

SENATORS.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
W. A. Alexander . .	55	Farmer	Virginia	Seventh.
M. B. Armstrong . .	53	"	"	Fifth.
Lewis Baker	39	Editor	Ohio	First.
G. A. Blakemore . .	33	Lawyer	Virginia	Tenth.
W. C. Carper	45	"	"	Sixth.
Jesse H. Cather . .	51	Farmer	"	Third.
John Cunningham . .	40	Boatman	"	First.
Samuel Gold	39	Farmer	"	Eleventh.
M. R. Hereford . .	47	Physician	"	Seventh.
William B. Ice . . .	62	Farmer	"	Second.
T. B. Kline	30	Lawyer	Maryland	Eighth.
John W. Morgan . .	57	Farmer	Virginia	Second.
G. H. Morrison . . .	33	Lawyer	"	Sixth.
Robert Patterson . .	54	"	Ohio	Fourth.
William Price . . .	67	Farmer	Pennsylvania	Third.
Preston Pew	50	Trader	Virginia	Fifth.
C. F. Scott	32	Lawyer	"	Fourth.
R. B. Sherrard . . .	54	Farmer	"	Tenth.
Joel Stollings . . .	37	Lawyer	"	Eighth.
E. Willis Wilson . .	27	"	"	Eleventh.
C. A. Sperry	38	"	Ohio	Ninth.
James Scott	56	Farmer	Virginia	"

C. A. SPERRY *President.*
 JOSEPH S. MILLER *Clerk.*
 A. W. KNOTTS *Assistant Clerk.*
 N. S. CLARKE *Sergeant-at-Arms.*
 AUGUSTUS BALL *Doorkeeper.*

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
R. G. Barr	31	Lawyer	Pennsylvania	Ohio.
W. C. Barclay	44	Merchant	Kentucky	Brooke.
W. G. Bennet	42	Farmer	Virginia	Calhoun.
G. W. Bier	59		Pennsylvania	Marshall.
C. M. Bishop	44	Merchant	Virginia	Preston.
W. L. Bridges	39	"	"	
J. A. Campbell	29	Lawyer	Ohio	Hancock.
A. N. Campbell	29	"	Virginia	Monroe.
S. M. Cornwell	47	Farmer	"	Barbour.
G. F. Lewis	36	Commer'l Agent	"	Jefferson.
John Dawson	68	Farmer	"	Morgan.
Freeman Elliott	61	"	"	Harrison.
J. L. Enoch	39	"	"	Wirt.
William Fisher	49	"	"	Hardy.
A. B. Fleming	32	Lawyer	"	Marion.
J. W. Grantham	52	Merchant	"	Jefferson.
H. Harrison	40	Farmer	"	McDowell.
H. T. Hughes	42	Surveyor	"	Roane.
J. A. Hutton	64	Farmer	"	Randolph.
J. P. Jones	39	Merchant	England	Preston.
G. J. Jordon	59	Farmer	Virginia	Summers.
V. Langfitt	38	"	"	Doddridge.
A. A. Lewis	45	Merchant	"	Lewis.
J. D. Lewis	71	Farmer	"	Kanawha.
J. M. Lightner	39	Lawyer	"	Pocahontas.
J. B. Lough	59	Farmer	"	Monongalia.
J. L. Mangy	56	"	"	Pendleton.
T. E. McCoole	42	"	"	Mineral.
Albert F. McCown	40	Merchant	"	Mason.
J. J. McComas	56	Farmer	"	Lincoln.
T. E. McKennan	27	Lawyer	Ohio	Ohio.
J. H. Miller	64	Merchant	Virginia	Fayette.
John Monroe	37	Farmer	"	Hampshire.
Elijah Morgan	70	"	"	Wetzel.
M. C. Nadenbousch	44	"	"	Berkeley.
James M. Nash	55	"	"	Putnam.
J. C. Parker	47	"	"	Tyler.
A. M. Poundstone	36	Lawyer	Pennsylvania	Upshur.
A. Prichard	49	Farmer	Virginia	Marion.
F. Prunty	55	"	"	Ritchie.
Anthony Rader	61	Physician	"	Nicholas.
E. H. Rader	52	Farmer	"	Jackson.
James Robinson	66	"	"	Ohio.
W. D. Rollyson		Merchant	"	Braxton.
James Ruckman	63	Farmer	"	Pleasants.

DELEGATES—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
J. H. Sidebottom . . .	64	Farmer	Virginia	Boone.
J. W. Stout . . .	47	"	"	Wood.
G. S. Sturgiss . . .	29	Lawyer	Ohio	Monongalia.
A. E. Summers . . .	47	Physician	Virginia	Kanawha.
J. M. Thayer . . .	53	Farmer	"	Taylor.
T. J. West . . .	39	"	"	Harrison.
W. E. Wilkinson . .	80	Blacksmith	"	Wayne.
G. W. Williams . . .	38	Lawyer	"	Greenbrier.
H. S. White . . .		Merchant	"	Marshall.
H. S. White . . .	45	Farmer	"	Logan.

A. E. SUMMERS *Speaker.*
 J. BERNARD PEYTON *Clerk.*
 JOHN W. HORNER *Sergeant-at-Arms.*
 L. H. CAMPBELL *Doorkeeper.*

CONSTITUTIONAL CONVENTION OF 1872.

Nine years' trial demonstrated that, while the first Constitution served well the objects of its creation, during the continuance of the civil war, it was not adapted to an era of peace. A change in the organic law of the State was demanded, and in compliance with that demand, the Legislature, on the 23d day of February, 1871, passed an act providing for taking the sense of the people on the question of the call of a Constitutional Convention. An election was held on the fourth Thursday in August ensuing, and resulted in favor of said call. Delegates, equal in number to that of the senators and delegates composing the Legislature, were chosen at the election in October, and the Governor made proclamation of the result, on the 26th of December. On the 16th day of January, 1872, the Convention assembled in the old South M. E. Church at Charleston, and entered upon the work before it. The following is a list of the

MEMBERS OF THE CONVENTION.

NAME.	POST OFFICE.	COUNTY.	OCCUPATION.
Lewis Allen	Sleepy Creek	Morgan	Carpenter.
J. D. Armstrong	Romney	Hampshire	Lawyer.
U. N. Arnett	Rievesville	Marion	Farmer.
John H. Atkinson	New Cumberland	Hancock	Manufacturer.
John Bassel	Clarksburgh	Harrison	Lawyer.
Isaiah Bee	Princeton	Mercer	Physician.
Charles D. Boggs	Franklin	Pendleton	"
William G. Brown	Kingwood	Preston	Lawyer.
James M. Byrneside	Peterstown	Monroe	Merchant.
B. W. Byrne	Clay C. H.	Clay	Lawyer.
Alexander Campbell	Bethany	Brooke	Farmer.
James Calfee	Cross Roads	Mercer	Minister.
W. G. H. Care	St. Mary's	Pleasants	Merchant.
J. N. B. Crim	Elk City	Barbour	"
Hanson Criswell	Moundsville	Marshall	Lawyer.
Alonzo Cushing	Point Pleasant	Mason	"
George O. Davenport	Wheeling	Ohio	"
Hudson M. Dickinson	Cotton Hill	Fayette	Farmer.
Mathew Edmiston	Weston	Lewis	Lawyer.
D. D. T. Farnsworth	Buckhannon	Upshur	Merchant.
C. J. Faulkner, Sr.	Martinsburg	Berkeley	Lawyer.
Charles W. Ferguson	Wayne C. H.	Wayne	Farmer.
Thomas Ferrell	Roxalana	Roane	"
Nicholas Fitzhugh	Charleston	Kanawha	Lawyer.
J. W. Gallaher	Moundsville	Marshall	Merchant.
J. Marshal Hagans	Morgantown	Monongalia	Lawyer.
Alpheus F. Haymond	Fairmount	Marion	"
Septimius Hall	New Martinsville	Wezel	Lawyer.
J. F. Harding	New Interest	Randolph	Farmer.
William Haynes	Egypt	Monroe	"
John Blair Hoge	Martinsburg	Berkeley	Lawyer.
Homer A. Holt	Braxton C. H.	Braxton	"
James M. Jackson	Parkersburg	Wood	"
Blackwell Jackson	Jane Lew	Lewis	Merchant
Okey Johnson	Parkersburg	Wood	Lawyer.
Daniel D. Johnson	Long Reach	Tyler	"
Charles Kantner	Bruceton Mills	Preston	Manufacturer.
Edward B. Knight	Charleston	Kanawha	Lawyer.
David H. Leonard	Wirt C. H.	Wirt	"
Beverly H. Lurty	Wolf Summit	Harrison	Farmer.
Benjamin F. Martin	Pruntytown	Taylor	Lawyer.
Thomas Maslin	Morefield	Hardy	Merchant.
Henry M. Mathews	Lewisburg	Greenbrier	Lawyer.
William W. Miller	Wheeling	Ohio	Farmer.
George H. Moffett	Dunmore	Pocahontas	Lawyer.
Alexander Monroe	Romney	Hampshire	"
William A. Morgan	Shepherdstown	Jefferson	Farmer.
Andrew W. McCleary	Van Clevesville	Berkeley	"
William McCreery	Raleigh C. H.	Raleigh	"
Logan Osburn	Kabletown	Jefferson	"
A. J. Pannell	Wheeling	Ohio	Merchant.
Thomas R. Park	Ravenswood	Jackson	Manufacturer.

MEMBERS OF THE CONVENTION—CONTINUED.

NAME.	POST OFFICE.	COUNTY.	OCCUPATION.
William D. Pate	Mouth Short Creek	Boone	Farmer.
John T. Pearce	Burlington	Mineral	"
William K. Pendleton	Bethany	Brooke	Professor.
James M. Pipes	Cameron	Marshall	Merchant.
William Prince	Raleigh C. H.	Raleigh	Farmer.
David S. Lugh	Middlebourne	Tyler	Lawyer.
Samuel Price	Lewisburg	Greenbrier	"
Jephtha F. Randolph	New Milton	Doddridge	Farmer.
John A. Robinson	Frankfort	Mineral	"
D. A. Roberts	Burning Springs	Wirt	Oil Producer.
Fountain Smith	Fairmount	Marion	Lawyer.
Joseph Snider	Easton	Monongalia	Farmer.
M. A. Staton	Chapmansville	Logan	Physician.
Jacob P. Strickler	Eltenborough	Ritchie	Merchant.
Lemuel Stump	Steer Creek	Calhoun	"
A. H. Thayer	Grafton	Taylor	Physician.
Thomas Thornburg	Cabell C. H.	Cabell	Merchant.
John J. Thompson	Raymond City	Putnam	Physician.
William H. Travers	Charlestown	Jefferson	Lawyer.
Charles B. Waggener	Point Pleasant	Mason	Farmer.
Evermont Ward	Guyandotte	Cabell	Lawyer.
John A. Warth	Coalsmouth	Kanawha	"
James S. Wheat	Wheeling	Ohio	"
Waitman T. Willey	Morganstown	Monongalia	"
Benjamin Wilson	Wilsonburg	Harrison	"
Samuel Woods	Philippi	Barbour	"

SAMUEL PRICE *President.*
 G. J. BUTCHER *Secretary.*
 JACOB V. CUNNINGHAM *Sergeant at-Arms.*
 G. J. WETZEL, *Doorkeeper.*

The body after continuing in constant session for two months and twenty-three days, adjourned April 9th, 1872, having framed the present Constitution of the State. It was submitted to the people, and by them ratified on the ensuing fourth Thursday in August, at which date it became operative and in full force. By it many changes in the organic law of the State were made. The term of all State officers was increased from two to four years. The office of Secretary of State was made appointive, while that of State Superintendent of Schools was made elective. The regular

sessions of the Legislature were changed from annual to biennial, and the terms of delegates increased from one to two years, while that of senators was extended from two to four years, and the number of senatorial districts increased from eleven to twelve. Thus terminated the first Constitutional Period.

CHAPTER XXX.

THE STATE UNDER THE SECOND CONSTITUTION.

First Session of the Legislature under the New Constitution—Allen T. Caperton Elected to the United States Senate—Samuel Price Appointed by Governor Jacob to fill the Vacancy caused by the Death of Senator Caperton—Election of Frank Hereford and Henry G. Davis to the United States Senate—Johnson N. Camden chosen as the Successor of Frank Hereford—John E. Kenna Succeeds Henry G. Davis—Senatorial Contest of 1887.

ELEVENTH LEGISLATURE.

Convened at Charleston, November 16, 1872. Adjourned, December 22, 1873.
SENATORS.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
J. M. Bennett . . .	56	Lawyer	Virginia	Ninth.
C. M. Bishop . . .	45	Merchant	"	Tenth.
G. A. Blakemore . . .	34	Lawyer	"	Eleventh.
C. T. Caldwell . . .	25	"	Ohio	Fourth.
Gideon D. Camden . . .	60	"	Virginia	Third.
John Cunningham . . .	41	Boatman	"	First.
H. M. Dickinson . . .	67	Farmer	"	Eighth.
P. C. Eastham . . .	37	"	"	Fifth.
J. W. Grantham . . .	53	Merchant	"	Twelfth.
R. C. Guston . . .	46	Lawyer	"	"
J. L. Hall . . .	27	"	"	Ninth.
Septimius Hall . . .	25	"	"	Second.
D. D. Johnson . . .	37	"	"	Fourth.
A. M. Jacob . . .	48	Farmer	"	First.
J. T. McClaskey . . .	56	"	Maryland	Tenth.
Isaac E. McDonald . . .	34	Grazier	Virginia	Seventh.
B. W. Price . . .	64	Farmer	"	Second.
C. F. Scott . . .	34	Lawyer	"	Third.
Winston Shelton . . .	57	Farmer	"	Sixth.
R. B. Sherrard . . .	55	"	"	Eleventh.
A. E. Summers . . .	48	Physician	"	Sixth.
Elliott Vawter . . .	60	Surveyor	"	Eighth.
George S. Walker . . .	43	Lawyer	England	Fifth.
W. E. Wilkinson . . .	32	Blacksmith	Virginia	Seventh.

D. D. JOHNSON *President.*
JOSEPH S. MILLER *Clerk.*
N. S. CLARKE *Sergeant-at-Arms.*
J. D. ALDERSON *Doorkeeper.*

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
A. O. Baker	34	Merchant	Virginia	Marshall.
A. J. Barrett	34	Farmer	"	Lincoln.
Thomas A. Bradford .	46	Lawyer	"	Barbour.
Isaac J. Ellison . . .	46	Farmer	"	Mercer.
William G. Brown . .	72	Lawyer	"	Preston.
Lewis Bumgardner . .	56	Farmer	"	Mason.
K. Hume Butcher . .	45	Lawyer	"	Jefferson.
John A. Campbell . .	30	"	Ohio	Hancock.
B. P. Clendenin . . .	38	Farmer	Virginia	Boone.
Le Roy Cofran	47	Manufacturer	New Hampshire	Taylor.
George Crow	69	Farmer	Pennsylvania	Jackson
George O. Davenport .	32	Lawyer	Ohio	Ohio.
M. W. Davis	45	Farmer	Virginia	Harrison.
George Deaver, Jr. . .	48	"	"	Hampshire.
Thos. G. Farnsworth .	36	Physician	"	Upshur.
Joseph M. Ferguson . .	38	Merchant	"	Wayne.
William Fisher	50	Farmer	"	Hardy.
Eli Fleming	61	Merchant	"	Berkeley.
Jesse Flowers	70	Physician	"	Marion.
B. H. Foley	69	Farmer	"	Wood.
George B. C. Floyd . .	62	"	"	Logan.
M. Gwinn	38	"	"	Summers.
John Hinchman	45	"	"	Monroe.
John Hindman	61	Miller	"	Brooke.
Madison Hively	40	Farmer	"	Roane.
William H. Hudson . .	43	Carpenter	"	Kanawha.
A. J. Pannell	56	Physician	"	Ohio.
Jacob F. Johnson . . .	63	Farmer	"	Pendleton.
Charles Kantner	50	Manufacturer	Maryland	Preston.
Absalom Knotts	41	Lawyer	Virginia	Calhoun.
A. W. Knotts	58	Merchant	"	Marion.
W. S. Laidley	34	Lawyer	"	Kanawha.
George W. Legg	60	Artist	"	Berkeley.
Albert A. Lewis	45	Merchant	"	Lewis.
W. W. Miller	34	Civil Engineer	"	Ohio.
Samuel McMillan . . .	57	Farmer	"	Doddridge.
James H. Miller	65	Merchant	"	Fayette.
Robert Monroe	52	Farmer	"	Wirt.
George H. Morrison . .	34	Lawyer	"	Braxton.
William H. Potter . . .	33	Teacher	"	Morgan.
William Price	68	Farmer	Pennsylvania	Monongalia.
William Prince	54	"	"	Raleigh.
John M. Reynolds . . .	37	Millwright	Virginia	Mason.
James Robinson	61	Farmer	"	Ohio.
Thomas E. Rodgers . .	25	Lumber Dealer	New Jersey	Kanawha.
James Ruckman	63	Farmer	Virginia	Pleasants.
J. W. Shirley	35	"	"	Jefferson.
Booker Short	35	"	"	Wyoming.
Anthony Smith	28	"	Pennsylvania	Tyler.
William H. Snider . . .	56	"	Virginia	Gilmer.
Thomas Snider	47	Lawyer	"	Monongalia.
Thomas S. Spates . . .	50	Merchant	Maryland	Harrison.

DELEGATES—CONTINUED.

NAME.	AGE.	OCCUPATION.	NATIVITY.	DISTRICT.
T. M. Stone	32	Merchant	Ohio	Wetzel.
John W. Stout . . .	48	Farmer	Virginia	Wood.
John Taylor	66	"	"	Randolph.
James Taylor . . .	54	Merchant	"	Ritchie.
John M. Thayer . . .	54	Farmer	Massachusetts	Taylor.
John J. Thompson . .	64	Physician	Virginia	Putnam.
M. C. Totten	36	Broker	Maryland	Mineral.
Marshall Triplett . .	62	Farmer	Virginia	Webster.
B. C. Vinson	33	Physician	Tennessee	Cabell.
Edward S. Vossler . .	48	Farmer	Germany	Grant.
H. S. White	32	Merchant	Virginia	Marshall.
James Withrow . . .	54	Farmer	"	Greenbrier.
William J. Wooddell.	49	Merchant	"	Pocahontas.

W. W. MILLER *Speaker.*

J. B. PEYTON *Clerk.*

JOHN W. HORNER *Sergeant-at-Arms.*

S. H. CAMPBELL *Doorkeeper.*

This was the first session under the new Constitution, and there was consequently much work to be performed. The body continued in session from November 16, 1872, until April 7, 1873, when it adjourned to meet on the 20th of October ensuing, and convening at that time, remained in session until the 22d of the following December.

TWELFTH LEGISLATURE.

Convened at Charleston, January 13, 1875. Adjourned, December 23, 1875.

SENATORS.

NAME.	DISTRICT.	COUNTY.
U. N. Arnett	Second	Marion.
J. M. Bennet	Ninth	Lewis.
R. L. Berkshire	Tenth	Monongalia.
C. M. Bishop	"	Preston.
W. T. Burdett	Sixth	Kanawha.
Alfred Caldwell *	First	Ohio.
Gideon D. Camden	Third	Harrison.

* Alfred Caldwell was elected to fill the vacancy occasioned by the death of A. J. Pannell, who died before his term expired.

SENATORS—CONTINUED.

NAME.	DISTRICT.	COUNTY.
W. C. Clayton	Eleventh	Mineral.
John Cunningham	First	Hancock.
R. F. Dennis	Eighth	Greenbrier.
H. M. Dickinson	"	Fayette.
P. C. Eastham	Fifth	Mason.
Thomas Ferrell	"	Roane.
M. S. Grantham	Twelfth	Berkeley.
R. C. Guston	"	Morgan.
David Goff	Ninth	Randolph.
D. D. Johnson	Fourth	Tyler.
George Loomis	"	Wood.
Isaac E. McDonald	Seventh	Wyoming.
Ira J. McGinnis	"	Cabell.
A. J. Pannell*	First	Ohio.
Bushrod W. Price	Second	Marshall.
C. F. Scott	Third	Ritchie.
Winston Shelton	Sixth	Nicholas.
R. B. Sherrard	Eleventh	Hardy.

D. D. JOHNSON *President.*
 JOSEPH S. MILLER *Clerk.*
 J. D. ALDERSON *Sergeant-at-Arms.*
 F. P. ROACH *Doorkeeper*

DELEGATES.

NAME.	AGE.	OCCUPATION.	NATIVITY.	COUNTY.
Hezekiah Agee . . .	65	Farmer	Virginia	Kanawha.
Daniel W. Babb . . .	42	"	"	Grant.
George A. Blakemore .	37	Lawyer	"	Pendleton.
John A. Campbell . . .	31	"	Ohio	Hancock.
W. D. Carlyle . . .	23	"	Virginia	Harrison.
Sylvester Chapman . .	42	Surveyor	"	Kanawha.
W. V. Chidester . . .	49	Farmer	"	Lewis.
Strother M. Cornwell .	50	"	"	Barbour.
Marshall Depue . . .	41	"	"	Roane.
D. D. Dix	25	Merchant	"	Nicholas.
Charles P. Dyché . . .	30	Blacksmith	"	Morgan.
Isaac L. Enoch . . .	42	Farmer	"	Wirt.
Thomas J. Farnsworth .	45	"	"	Upshur.
James Ferguson . . .	67	"	"	Wayne.
A. B. Fleming . . .	35	Lawyer	"	Marion.
J. H. Gettinger . . .	48	Merchant	Maryland	Berkeley.
J. H. Good	31	Lawyer	Virginia	Ohio.
Moses S. Hall . . .	50	Physician	Massachusetts	Ritchie.
Samuel A. Houston . .	28	Farmer	Virginia	Mormoe.
Daniel Huffman . . .	52	Minister	"	Gilmer.

* Alfred Caldwell was elected to fill the vacancy occasioned by the death of A. J. Pannell, who died before his term expired.

DELEGATES—CONTINUED.

NAME.	Age.	OCCUPATION.	NATIVITY.	COUNTY.
John A. Hutchinson .	34	Lawyer	Virginia	Wood.
W. T. Ice	34	"	"	Barbour.
Jacob B. Jackson . .	46	"	"	Wood.
L. S. Jordan	34	"	"	Ohio.
M. S. Kirtley	37	Farmer	"	Putnam.
Jacob H. Long	47	"	"	Tucker.
John B. Lough	62	"	"	Monongalia.
James M. Mason . . .	36	Lawyer	"	Jefferson.
John A. McCulloch . .	39	Farmer	"	Mason.
Robert McEldowney	36	Lawyer	"	Wetzel.
Samuel A. Miller . . .	54	"	"	Kanawha.
Alexander Monroe . .	57	"	"	Hampshire.
James Montgomery . .	61	Farmer	"	Fayette.
J. W. Morgan	45	"	"	Ohio.
John Powell	55	"	"	Boone.
A. Prichard	52	Lumber Dealer	"	Marion.
David F. Pugh	28	Lawyer	Ohio	Tyler.
William M. Reynolds	52	Farmer	Virginia	Mercer.
George W. Reynolds	39	"	"	Taylor.
Linn Rodgers	29	"	"	Brooke.
Christopher Roles . .	52	"	"	Raleigh.
Edmund Sehon	31	Lawyer	"	Mason.
G. W. Shinn	42	Farmer	"	Jackson.
Hooker Short	36	"	"	Wyoming.
Robert Simpson	39	Merchant	"	Ohio.
Adam Small	66	Ore Miner	"	Berkeley.
Joseph Snider	47	Farmer	"	Monongalia.
Samuel S. Spencer . .	53	"	"	Wood.
Daniel S. Squires . . .	46	"	"	Braxton.
C. J. Stone	44	"	"	Logan.
Chapman J. Stuart . .	55	"	"	Doddridge.
Isaac S. Tanner	44	Physician	Maryland	Jefferson.
James Taylor	56	Merchant	Virginia	Kitchie.
John W. Thornburg . .	42	Farmer	"	Cabell.
Alfred Turner	45	"	Pennsylvania	Marshall.
Sylvester Upton	43	"	Virginia	Summers.
John W. Vaughn	50	"	"	Lincoln.
James W. Warden . . .	35	"	"	Hardy.
William M. Welsh . . .	35	Lawyer	Maryland	Mineral.
Thomas J. West	43	Farmer	Virginia	Harrison.
H. S. White	34	Merchant	"	Marshall.
George W. Williams . .	41	Farmer	"	Greenbrier.
James H. Wilson	38	Manufacturer	"	Preston.
William J. Wooddell	50	Merchant	"	Pocahontas.
Peter Zinn	50	Horticulturist	"	Preston.

ALEXANDER MONROE *Speaker.*
 J. B. PEYTON *Clerk.*
 W. L. MOFFETT *Sergeant-at Arms.*
 WILLIAM M. PATTON *Doorkeeper.*

On the 17th day of February, the Legislature went

into an election for United States Senator, which, on the twenty-third ballot, resulted in the choice of Allen T. Caperton, of Monroe county, as the successor of Arthur I. Boreman, whose term expired March 4, 1876.

February the 26th, both branches adjourned to meet November the 10th, ensuing, at the city of Wheeling. There the session continued until December the 23d, when the House adjourned *sine die*, but the Senate to reconvene January 13, 1876, "For the consideration of the articles of impeachment exhibited by the House against John S. Burdett, Treasurer, and Edward A. Bennet, Auditor of the State," in which it was engaged until the 8th of February, when it, too, adjourned *sine die*.

THIRTEENTH LEGISLATURE.

Convened at Wheeling January 10, 1877. Adjourned, March 2, 1877.

SENATORS.

First District—William H. Tarr, Alfred Caldwell.

Second—U. N. Arnett, Levi M. Lowe.

Third—Charles F. Scott, E. M. Turner.

Fourth—D. D. Johnson, Geo. Loomis.

Fifth—Thomas Ferrell, M. S. Kirtley.

Sixth—William T. Burdett, Felix J. Baxter.

Seventh—Wayne Ferguson, Ira J. McGinnis.

Eighth—W. W. Adams, Robert F. Dennis.

Ninth—David Goff, Chas. W. Newlon.

Tenth—R. L. Berkshire, John P. Jones.

Eleventh—C. T. Clayton, David Pugh.

Twelfth—C. T. Butler, M. S. Grantham.

U. N. ARNETT	<i>President.</i>
E. A. CUNNINGHAM	<i>Clerk.</i>
J. D. ALDERSON	<i>Sergeant-at-Arms.</i>
THOMAS H. PERCIVAL	<i>Doorkeeper.</i>

DELEGATES.

Barbour County—A. B. Modisett.

Boone—Albert Allen.

Berkeley—E. Boyd Falkner, E. L. Hoffman.

Braxton—Benjamin F. Fisher.

Brooke—J. B. Somerville.

Cabell—Eustace Gibson.

Doddridge—William Maxwell.

Fayette—G. W. Imboden.

Gilmer—Peregrine Hays.

Grant—C. M. Babb.

Greenbrier—Kyle Bright.

Hampshire—Asa Hiatt.

Hancock—Lyman Stedman.

Hardy—John J. Chiplin.

Harrison—James Duncan, F. W. Cunningham.

Jackson—John H. Riley.

DELEGATES—CONTINUED.

<i>Jefferson</i> —James L. Hoff, G. F. Cross.	<i>Preston</i> —Wm. Elliott, John D. Rigg.
<i>Kanawha</i> —James H. Ferguson, E. W. Wilson, W. A. Quarrier.	<i>Putnam</i> —James Stewart.
<i>Lewis</i> —William E. Arnold.	<i> Raleigh</i> —Alfred Beckley, Sr.
<i>Logan</i> —William Stratton.	<i>Roane</i> —James W. Ball.
<i>Lincoln</i> —J. S. Wilkin-on.	<i>Summers</i> —B. P. Gooch.
<i>Marshall</i> —G. S. McFadden, W. E. Parriott.	<i>Taylor</i> —John H. Kunst.
<i>Marion</i> —Robert Lowe, Chas. E. Wells.	<i>Tyler</i> —O. W. O. Hardman.
<i>Mason</i> —Jabez Beard, A. G. Eastham.	<i>Upshur</i> —Thomas J. Farnsworth.
<i>Mercer</i> —William B. Davidson.	<i>Wayne</i> —Hursion Spurlock.
<i>Mincral</i> —John A. Robinson.	<i>Wetzel</i> —A. G. Calvert.
<i>Monongalia</i> —James T. McClaskey, John B. Huffman.	<i>Wirt</i> —M. H. Shintz.
<i>Morgan</i> —Lewis Largent.	<i>First Del. Dist.</i> —W. N. Chancellor, H. C. Henderson, R. H. Browse.
<i>Monroe</i> —John M. Rowan.	<i>Second Del. Dist.</i> —M. S. Hall, Rufus Knotts.
<i>Ohio</i> —William L. Hearn, Robert Simpson, R. G. Barr, Joseph W. Morgan.	<i>Third Del. Dist.</i> —John C. Johnson.
<i>Pendleton</i> —J. E. Pennybacker.	<i>Fourth Del. Dist.</i> —Elihu Hutton.
<i>Pocahontas</i> —George W. Siple.	<i>Fifth Del. Dist.</i> —Harvey Samples.
	<i>Sixth Del. Dist.</i> —B. Rose.

EUSTACE GIBSON	<i>Speaker.</i>
J. B. PEYTON	<i>Clerk.</i>
NAPOLÉON B. FRENCH	<i>Sergeant-at-Arms.</i>
S. H. CAMPBELL	<i>Doorkeeper.</i>

Governor John J. Jacob appointed Samuel Price, of Greenbrier, to fill the vacancy, until the next meeting of the Legislature, occasioned by the death of United States Senator Allen T. Caperton, who died at the National Capital, July 26, 1876. It therefore devolved upon the Legislature at this session to choose two United States Senators—one to fill the unexpired term and another for the full term. This it did on the 26th day of January, electing for the former Frank Hereford, of Monroe, and for the latter Henry G. Davis.

FOURTEENTH LEGISLATURE.

Convened at Wheeling, January 8, 1879. Adjourned, March 10, 1879.

SENATORS.

<i>First District</i> —J. J. Woods, William H. Tarr.	<i>Seventh</i> —David E. Johnson, Wayne Ferguson.
<i>Second</i> —Levi M. Lowe, L. S. Newman.	<i>Eighth</i> —W. W. Adams, R. F. Dennis.
<i>Third</i> —David McGregor, E. M. Turner.	<i>Ninth</i> —William Ewin, C. W. Newlon.
<i>Fourth</i> —D. D. Johnson, John W. Stout.	<i>Tenth</i> —W. E. McGrew, John P. Jones.
<i>Fifth</i> —Robert S. Brown, M. S. Kirtley.	<i>Eleventh</i> —Chas. Williams, David Pugh.
<i>Sixth</i> —A. E. Summers, Felix J. Baxter.	<i>Twelfth</i> —E. B. Faulkner, C. T. Butler.

D. D. JOHNSON	<i>President.</i>
E. H. CUNNINGHAM	<i>Clerk.</i>
J. D. ALDERSON	<i>Sergeant-at-Arms.</i>
GEORGE S. CHILTON	<i>Doorkeeper.</i>

DELEGATES.

<i>Barbour County</i> —Thomas A. Bradford.	<i>Mineral</i> —Joseph V. Bell.
<i>Berkeley</i> —B. M. Kitchen, D. F. Billmyer.	<i>Monongalia</i> —J. M. Hagans, Jas. Hare.
<i>Boone</i> —Samuel H. Campbell.	<i>Morgan</i> —Washington Unger.
<i>Braxton</i> —Elias S. Hyer.	<i>Monroe</i> —R. T. McNeer.
<i>Brooke</i> —Joseph C. Gist.	<i>Ohio</i> —John J. Jacob, Andrew Wilson,
<i>Cabell</i> —Thomas H. Harvey.	Thomas H. Logan, Benjamin Fisher.
<i>Doddridge</i> —Chapman J. Stewart.	<i>Pendleton</i> —J. E. Pennybacker.
<i>Fayette</i> —Samuel Carter.	<i>Pocahontas</i> —George H. Moffett.
<i>Gilmer</i> —William H. Snider.	<i>Preston</i> —P. R. McCrum, John H. Holt.
<i>Grant</i> —Arnold C. Scherr.	<i>Putnam</i> —William Kirtley.
<i>Greenbrier</i> —Samuel P. Hawver.	<i>Raleigh</i> —William McCreery.
<i>Hampshire</i> —A. Monroe.	<i>Roane</i> —A. L. Vandal.
<i>Hancock</i> —Joseph H. Quinn.	<i>Summers</i> —B. P. Gooch.
<i>Hardy</i> —John J. Chipley.	<i>Taylor</i> —L. E. Davidson.
<i>Harrison</i> —John C. Johnson, Ira C. Post.	<i>Tyler</i> —Henry A. Rymer.
<i>Jackson</i> —William A. Parsons.	<i>Upshur</i> —A. M. Poundstone.
<i>Jefferson</i> —J. S. Melvin, W. H. T. Lewis.	<i>Wayne</i> —Albert C. Fulkerson.
<i>Kanawha</i> —A. A. Rock, Martin Hill,	<i>Welzel</i> —A. G. Calvert.
John C. Montgomery.	<i>Wirt</i> —Jonathan Sheppard.
<i>Lewis</i> —George J. Arnold.	<i>First Del. Dist.</i> —Hugh Mearns, B. H.
<i>Logan</i> —Hugh Toney.	Butcher, C. P. Ross.
<i>Lincoln</i> —Thomas L. Bell.	<i>Second Del. Dist.</i> —E. J. Taylor, James
<i>Marshall</i> —John Nixon, J. A. Ewing.	Barr.
<i>Marion</i> —John Righter, Jas. H. Furbee.	<i>Third Del. Dist.</i> —Geo. W. Reynolds.
<i>Mason</i> —William R. Gunn, L. F. Roush.	<i>Fourth Del. Dist.</i> —Elihu Hutton.
<i>Mercer</i> —Carroll Clarke.	<i>Fifth Del. Dist.</i> —Winston Shelton.
	<i>Sixth Del. Dist.</i> —John McGraw.

GEORGE H. MOFFETT	<i>Speaker.</i>
J. B. PEYTON	<i>Clerk.</i>
NATHANIEL S. CLARK	<i>Sergeant-at-Arms.</i>
JAMES P. NEALIS	<i>Doorkeeper.</i>

The most important work of this session was the investigation regarding charges for freight on the Baltimore and Ohio Railroad.

FIFTEENTH LEGISLATURE.

Convened at Wheeling, January 12, 1881. Adjourned, March 15, 1881.

SENATORS.

<i>First District</i> —J. J. Wood, John R. Donehoo.	<i>Third</i> —David McGregor, Franklin Maxwell.
<i>Second</i> —L. S. Newman, Fontaine Smith.	<i>Fourth</i> —John W. Stout, D. A. Roberts.
	<i>Fifth</i> —R. S. Brown, A. R. Barbee.

SENATORS—CONTINUED.

Sixth—A. E. Summers, Harvey Sam-
ples.
Seventh—David E. Johnston, Joel E.
Stollings.
Eighth—R. F. Dennis, Wm. McNeel.
Ninth—William Ewin, Thomas J.
Farnsworth.

Tenth—W. C. McGrew, W. M. O.
Dawson.
Eleventh—Charles Williams, Joseph
Van Matre.
Twelfth—E. B. Faulkner, Samuel Da-
visson.

A. E. SUMMERS	<i>President.</i>
D. D. JOHNSON	<i>Clerk.</i>
J. D. ALDERSON	<i>Sergeant-at-Arms.</i>
DAVID O. KELLEY	<i>Doorkeeper.</i>

DELEGATES.

Barbour County—Lewis Wilson.
Berkeley—B. F. Brady, George Ferrel.
Roone—James Meadows.
Braxton—Benjamin F. Fisher.
Brooke—George W. McCord.
Cabell—George W. Hackworth.
Doddridge—William S. Maxwell.
Fayette—I. J. Settle.
Gilmer—Levi Johnson.
Grant—C. M. Babb.
Greenbrier—John M. Sydenstricker.
Hampshire—Alexander Monroe.
Hancock—John W. Hobbs.
Hardy—William Fisher.
Harrison—B. H. Lurty, Moses H.
Davis.
Jackson—John H. Riley.
Jefferson—Frank Beckwith, John W.
Grantham.
Kanawha—William A. Quarrier, James
H. Ferguson, E. W. Wilson.
Lewis—Andrew Edmiston.
Lincoln—Joseph W. Holt.
Logan—John B. Floyd.
Marion—James Morrow, Jr., Charles
E. Wells.
Marshall—W. D. Wayt, Josiah Sinclair.
Mason—Geo. Rowley, G. W. Tippet.
Mercer—Isaiah Bee.

Mineral—Joseph V. Bell.
Monongalia—Henry L. Cox, James S.
Watson.
Morgan—John T. Siler.
Monroe—Benjamin F. Irons.
Ohio—Samuel A. Kepner, Frank P.
McNell, Charles W. C. Bright, Wil-
liam P. Hubbard.
Pendleton—Joshua Day.
Pocahontas—George H. Moffett.
Preston—U. N. Orr, Page R. McCrum.
Putnam—John K. Thompson.
Raleigh—William Prince.
Roane—Marshall Depue.
Summers—N. M. Lowry.
Taylor—Reuben Davisson.
Tyler—Selmon Wells.
Upshur—David Poe.
Wayne—A. C. Fulkerson.
Wetzel—Septimius Hall.
Wirt—Lewis Sheppard.
First Del. Dist.—D. H. Leonard, J. P.
Sharp, D. Q. Steere.
Second Del. Dist.—J. B. Crumrine, Geo.
Lynch.
Third Del. Dist.—J. L. Hall.
Fourth Del. Dist.—C. J. P. Cresap.
Fifth Del. Dist.—Charles McC. Dodrill.
Sixth Del. Dist.—Floyd Lusk.

E. WILLIS WILSON	<i>President.</i>
J. B. PEYTON	<i>Clerk.</i>
HARRISON CAIN	<i>Sergeant-at-Arms.</i>
JAMES P. NEALIS	<i>Doorkeeper.</i>

January 26th the Legislature went into an election for United States Senator, which resulted in the choice of Johnson N. Camden as the successor of Frank Hereford.

SIXTEENTH LEGISLATURE.

Convened at Wheeling, January 10, 1883. Adjourned, February 23, 1883.

SENATORS.

<i>First District</i> —John R. Donehoo, N. B. Scott.	<i>Eighth</i> —John G. Lobban, William L. McNeel.
<i>Second</i> —D. M. Hostutler, Fontaine Smith.	<i>Ninth</i> —Harvey Samples, Benjamin W. Byrne.
<i>Third</i> —George W. Hays, Franklin Maxwell.	<i>Tenth</i> —Thomas J. Farnsworth, M. W. Coburn.
<i>Fourth</i> —D. A. Roberts, Anthony Smith.	<i>Eleventh</i> —William M. O. Dawson, William C. McGrew.
<i>Fifth</i> —A. R. Barbee, William Wood-yard.	<i>Twelfth</i> —George E. Price, Joseph Van Matre.
<i>Sixth</i> —G. G. Burgess, R. T. Harvey.	<i>Thirteenth</i> —Samuel Davisson, Jacob S. Melvin.
<i>Seventh</i> —Joel E. Stollings, J. B. Floyd.	

T. J. FARNSWORTH	<i>President.</i>
J. D. ALDERSON	<i>Clerk.</i>
CHARLES H. VANDIVER	<i>Sergeant-at-Arms.</i>
DAVID O. KELLEY	<i>Doorkeeper.</i>

DELEGATES.

<i>Barbour County</i> —John W. Corder.	<i>Monongalia</i> —Henry L. Cox.
<i>Berkeley</i> —George F. Evans, Marion L. Henshaw.	<i>Monroe</i> —James H. Adair.
<i>Boone</i> —Albert Allen.	<i>Morgan</i> —J. J. Hetzel.
<i>Braxton</i> —(*) James A. Boggs.	<i>Nicholas</i> —David McQueen.
<i>Cabell</i> —P. H. McCulloch.	<i>Ohio</i> —Joseph J. Woods, Louis F. Stifel, B. B. Dovener, J. H. Burt.
<i>Calhoun</i> —Taylor R. Stump.	<i>Pendleton</i> —J. Edward Pennybacker.
<i>Doddridge</i> —William Maxwell.	<i>Pleasants</i> —Oliver Gorrell.
<i>Fayette</i> —L. D. Isbell.	<i>Preston</i> —John D. Rigg, Uriah N. Orr.
<i>Gilmer</i> —Melville Stump.	<i>Putnam</i> —L. J. Timms.
<i>Greenbrier</i> —William H. McClung, John F. Garring.	<i>Raleigh</i> —Wm. C. Riffe.
<i>Hampshire</i> —Henry B. Gilkeson.	<i>Ritchie</i> —Thomas E. Davis.
<i>Harrison</i> —John L. Ruhl, Charles W. Lynch.	<i>Summers</i> —A. A. Miller.
<i>Jackson</i> —Virgil S. Armstrong, C. L. Brown.	<i>Taylor</i> —David Powell.
<i>Jefferson</i> —John W. Rider, Isaac Fouke.	<i>Tyler</i> —Wm. M. Powell.
<i>Kanawha</i> —James F. Brown, James H. Brown, John M. Collins.	<i>Upshur</i> —J. J. Morgan.
<i>Lewis</i> —William K. Wilson.	<i>Wayne</i> —Thomas Harrison.
<i>Lincoln</i> —Joseph W. Holt.	<i>Wetzel</i> —Septimius Hall.
<i>Logan</i> —L. D. Chambers.	<i>Wirt</i> —M. H. Shirtz.
<i>Marion</i> —John C. Jones, Jesse F. Sturm.	<i>Wood</i> —Samuel T. Stapleton, Erwin D. J. Bond, James T. McMechen. (†)
<i>Marshall</i> —John Nixon, W. S. Simon-ton.	<i>First Del. Dist.</i> —George W. McCord.
<i>Mason</i> —John M. Eckard, J. O. Sayre.	<i>Second Del. Dist.</i> —George Harmon.
<i>Mercer</i> —Isaiah Bee.	<i>Third Del. Dist.</i> —William P. Payne.
<i>Mineral</i> —C. W. Dailey.	<i>Fourth Del. Dist.</i> —Henry A. Yeager.
	<i>Fifth Del. Dist.</i> —A. B. Parsons.
	<i>Sixth Del. Dist.</i> —A. B. Wells, Jacob Salisbury.

JOSEPH J. WOODS	<i>Speaker.</i>
J. B. PEYTON	<i>Clerk.</i>
GEORGE P. SARGENT	<i>Sergeant-at-Arms.</i>
JAMES P. NEALIS	<i>Doorkeeper.</i>

(*) James A. Boggs, of Braxton, was elected, December 21, 1882, to fill the vacancy caused by the death of John H. Cunningham, who died on the preceding 8th of November.

(†) James T. McMechen was elected on the 4th of January, 1883, to fill the vacancy caused by the resignation of W. A. Cooper, of Wood.

January 24, 1883, the Legislature met in joint session, and proceeded to ballot for United States Senator. The result was the election of John E. Kenna, whose term began March 4, 1884, as the successor of Henry G. Davis.

SEVENTEENTH LEGISLATURE.

Convened at Wheeling, January 14, 1885. Adjourned February 27, 1885.

SENATORS.

First District—J. B. Sommerville, N. B. Scott.

Second—B. W. Price, Jacob Cochran. (*)

Third—Presley W. Morris, G. Warren Hays.

Fourth—E. D. J. Bond, Anthony Smith.

Fifth—Charles L. Brown, William Woodyard.

Sixth—Rufus Switzer, G. G. Burgess.

Seventh—John W. McCreery, J. B. Floyd.

Eighth—Marion Gwinn, J. G. Lobban.

Ninth—J. W. Morrison, Jr., B. W. Byrne.

Tenth—Stark W. Arnold, M. W. Coburn.

Eleventh—W. M. O. Dawson, W. C. McGrew.

Twelfth—Samuel F. Flournoy, George E. Price.

Thirteenth—Algeron R. Unger, Jacob S. Melvin.

GEORGE E. PRICE *President.*

JOHN D. ALDERSON *Clerk.*

S. A. HAYS *Sergeant-at-Arms.*

D. O. KELLEY *Doorkeeper.*

(*) Elected to fill the vacancy caused by the death of D. M. Hostutler.

DELEGATES.

Barbour County—S. C. Rusmisell.

Berkeley—James H. Smith, I. B. Snodgrass.

Boone—Wm. Workman.

Braxton—Benjamin F. Fisher.

Cabell—John B. Laidley.

Calhoun—Charles H. Richardson.

Doddrige—E. G. Taylor.

Fayette—W. J. Davies.

Gilmer—Robert R. Marshall.

Greenbrier—William H. McClung.

Hampshire—Henry B. Gilkeson.

Harrison—Ira G. Post, Jesse F. Randolph.

Jackson—J. P. Campbell, S. H. Hayman.

Jefferson—R. P. Chew, Daniel B. Lucas.

Kanawha—J. B. Fleming, H. C. McWhorter, A. A. Rock

DELEGATES—CONTINUED.

<i>Lewis</i> —George I. Davisson.	<i>Putnam</i> —Charles McGill.
<i>Lincoln</i> —B. H. Oxley.	<i>Raleigh</i> —Aden Thompson.
<i>Logan</i> —M. S. Ferrell.	<i>Ritchie</i> —W. G. Miller.
<i>Marion</i> —Alpheus F. Haymond.	<i>Summers</i> —John G. Crockett.
<i>Marshall</i> —Frank Arnold, George Edwards.	<i>Taylor</i> —David Powell.
<i>Mason</i> —A. G. Beard, J. O. Sayre.	<i>Tyler</i> —William W. Givens.
<i>Mercer</i> —A. C. Davidson.	<i>Upshur</i> —J. S. W. Dean.
<i>Mineral</i> —John F. Gilmore.	<i>Wayne</i> —C. W. Ferguson.
<i>Monongalia</i> —John E. Price.	<i>Wetzel</i> —Aaron Morgan.
<i>Monroe</i> —George Alderson.	<i>Wirt</i> —W. C. McConaughey.
<i>Morgan</i> —S. J. Hawvermale.	<i>Wood</i> —Robert Alexander, James T. McMechen, Samuel T. Stapleton.
<i>Nicholas</i> —H. C. Callison.	<i>First Del. Dist.</i> —E. J. Owings.
<i>Ohio</i> —J. J. Jacob, William Myles, Edward Robertson, Robert White.	<i>Second Del. Dist.</i> —Wilbur F. Dyer.
<i>Pendleton</i> —Jacob Hinkle.	<i>Third Del. Dist.</i> —L. B. Chambers.
<i>Pleasants</i> —John J. Poynton.	<i>Fourth Del. Dist.</i> —C. P. Dorr.
<i>Preston</i> —Thomas Fortney, W. H. Glover.	<i>Fifth Del. Dist.</i> —Harmon Snyder.
	<i>Sixth Del. Dist.</i> —Andrew Parks, Jesse Roach.

R. F. DENNIS	<i>Speaker.</i>
J. B. PEYTON	<i>Clerk.</i>
THORNTON HENSHAW	<i>Sergeant-at Arms.</i>
A. W. WERNINGER	<i>Doorkeeper.</i>

EIGHTEENTH LEGISLATURE.

Convened at Charleston, January 12, 1887. Adjourned, February 25, 1887.

SENATORS.

<i>First District</i> —N. B. Scott, J. B. Somerville.	<i>Ninth</i> —R. S. Carr, J. W. Morrison, Jr.
<i>Second</i> —J. H. Furbee, B. W. Price.	<i>Tenth</i> —A. C. Minear, Starke W. Arnold.
<i>Third</i> —Edwin Maxwell, P. W. Morris.	<i>Eleventh</i> —Joseph Snyder, W. M. O. Dawson.
<i>Fourth</i> —J. D. Sweeney, E. D. J. Bond.	<i>Twelfth</i> —George E. Price, Samuel L. Flournoy.
<i>Fifth</i> —William Woolyard, C. L. Brown.	<i>Thirteenth</i> —J. Howard Gettinger, Algon R. Unger.
<i>Sixth</i> —E. M. McAllister, Rufus Switzer.	
<i>Seventh</i> —B. H. Oxley, John W. McCreery.	
<i>Eighth</i> —M. Van Pelt, Marion Gwinn.	

GEORGE E. PRICE	<i>President.</i>
JOHN D. ALDERSON	<i>Clerk.</i>
J. H. MARCUM	<i>Sergeant-at Arms.</i>
T. J. GRASS	<i>Doorkeeper.</i>

DELEGATES.

<i>Barbour County</i> —D. W. Shaw.	<i>Doddridge</i> —E. J. Taylor.
<i>Berkley</i> —G. M. Bowers, G. H. Ropp.	<i>Fayette</i> —J. S. Kincaid.
<i>Boone</i> —L. D. Hagar.	<i>Gilmer</i> —R. F. Kidd.
<i>Braxton</i> —Peyton Byrne.	<i>Greenbrier</i> —J. M. Sydenstricker, W. H. McClung,
<i>Cabell</i> —Andrew Roebury.	<i>Hampshire</i> —A. L. Pugh.
<i>Calhoun</i> —J. M. Hamilton.	

DELEGATES—CONTINUED.

<i>Harrison</i> —Henry Haymond, M. G. Holmes.	<i>Pendleton</i> —J. J. Hiner.
<i>Jackson</i> —J. E. Brown, George B. Crow.	<i>Pleasants</i> —Oliver Gorrell.
<i>Jefferson</i> —D. B. Lucas, R. P. Chew.	<i>Preston</i> —J. P. Jones, J. T. Hoke.
<i>Kanawha</i> —H. C. McWhorter, W. H. Toler, L. H. Oakes.	<i>Putnam</i> —D. H. Gales.
<i>Lewis</i> —G. I. Davison.	<i>Raleigh</i> —W. C. Riffe.
<i>Lincoln</i> —B. S. Chambers.	<i>Ritchie</i> —J. M. McKinney.
<i>Logan</i> —H. C. Ragland.	<i>Summers</i> —John G. Crockett.
<i>Marion</i> —George W. Kinsey, Jesse F. Sturm.	<i>Taylor</i> —A. H. Thayer.
<i>Marshall</i> —Josiah Sinclair, J. T. McCombs.	<i>Tyler</i> —Silas Smith.
<i>Mason</i> —J. S. Spencer, J. L. Hensley.	<i>Upshur</i> —Stillman Young.
<i>Mercer</i> —W. M. Reynolds.	<i>Wayne</i> —C. W. Ferguson.
<i>Mineral</i> —William Middleton.	<i>Wetzel</i> —Jacob Cochran.
<i>Monongalia</i> —J. M. Hagans.	<i>Wirt</i> —J. W. Depue.
<i>Monroe</i> —J. M. Rowan.	<i>Wood</i> —W. N. Chancellor, A. A. Keller, R. L. Woodyard.
<i>Morgan</i> —Lewis Largent.	<i>First Del. Dist.</i> —I. H. Duval.
<i>Nicholas</i> —J. E. Peck.	<i>Second Del. Dist.</i> —J. J. Chipley.
<i>Ohio</i> —J. J. Woods, C. J. Gleason, A. D. Garden, N. E. Whitaker.	<i>Third Del. Dist.</i> —W. H. H. Cook.
	<i>Fourth Del. Dist.</i> —Henry A. Yeager.
	<i>Fifth Del. Dist.</i> —J. F. Harding.
	<i>Sixth Del. Dist.</i> —P. B. Cochran, Frederick Gandee.
JOHN M. ROWAN	<i>Speaker.</i>
J. B. PEYTON	<i>Clerk.</i>
C. P. DORR	<i>Sergeant-at-Arms.</i>
MICHAEL B. DEVINE	<i>Doorkeeper.</i>

It was during this session that there occurred the most exciting contest for the election of a United States Senator that has taken place since the formation of the State. The balloting began on the 25th of January, when Johnson M. Camden, S. C. Burdette, W. H. H. Flick, Nathan Goff, and James H. Brown were placed in nomination. February 25th the Legislature adjourned, having balloted nearly every day for a month without an election. Three days later, February 28th, Governor Wilson appointed Daniel B. Lucas, of Jefferson county, to fill the vacancy occurring on the 4th of March. March 3d Mr. Lucas resigned his seat as a member of the House of Delegates and accepted the appointment conferred upon him. Two days later the Governor issued a proclamation convening the Legislature in extra session, in obedience to which that body

reassembled on the 20th of April, and remained in session until the 9th of May, having, on the 5th of May, elected Charles J. Faulkner United States Senator. The result was a contest which by the United States Senate in December following was decided in favor of Mr. Faulkner.

NINETEENTH LEGISLATURE.

Convened at Charleston, January 9, 1889. Adjourned, February 22, 1889.

SENATORS.

<i>First District</i> —N. B. Scott, B. J. Smith.	<i>Eighth</i> —M. Vanpelt, John W. Arbuckle.
<i>Second</i> —J. H. Furbee, J. W. Yeater.	<i>Ninth</i> —R. S. Carr, J. W. Morrison.
<i>Third</i> —Edwin Maxwell, P. W. Morris.	<i>Tenth</i> —A. C. Minear, Thos. E. Davis.
<i>Fourth</i> —J. D. Sweeney, M. R. Lowther.	<i>Eleventh</i> —Joseph Snyder, William G. Worley.
<i>Fifth</i> —Wm. Woodyard, A. R. Campbell.	<i>Twelfth</i> —George E. Price, S. L. Flournoy.
<i>Sixth</i> —E. M. McCallister, B. J. Prichard.	<i>Thirteenth</i> —J. Howard Gettinger, C. H. Knott.
<i>Seventh</i> —B. H. Oxley, J. W. McCreery.	

ROBERT S. CARR	<i>President.</i>
GEORGE J. WALKER	<i>Clerk.</i>
STEELE R. HAWKINS	<i>Sergeant-at-Arms.</i>
JAMES A. MADISON	<i>Doorkeeper.</i>

DELEGATES.

<i>Barbour County</i> —David W. Shaw.	<i>Marshall</i> —J. T. McCombs, S. R. Hanan.
<i>Berkeley</i> —Joseph G. Kitchen, George W. Buxton.	<i>Mason</i> —J. V. Stearne, T. L. Davies.
<i>Boone</i> —Jacob C. Edelman.	<i>Mercer</i> —R. G. Meador.
<i>Braxton</i> —George Goad.	<i>Mineral</i> —J. P. Williams.
<i>Cabell</i> —Henry J. Samuels.	<i>Monongalia</i> —Edgar W. St. Clair.
<i>Calhoun</i> —Henry A. Altizer.	<i>Monroe</i> —John P. Shanklin.
<i>Doddridge</i> —J. W. Stuck.	<i>Morgan</i> —G. F. Weber.
<i>Fayette</i> —Charles Hill.	<i>Nicholas</i> —John E. Peck.
<i>Gulmer</i> —William H. Jack.	<i>Ohio</i> —A. D. Garden, L. F. Stifel, J. J. Woods, John Corcoran.
<i>Greenbrier</i> —J. M. Sydenstricker, Wm. H. McClung.	<i>Pendleton</i> —George A. Blakemore.
<i>Hampshire</i> —A. L. Pugh.	<i>Pleasants</i> —R. G. Hammett.
<i>Harrison</i> —A. C. Moore, Gwinn Minter.	<i>Preston</i> —U. N. Orr, M. S. Bryte.
<i>Jackson</i> —A. E. Archer, V. L. Casto.	<i>Putnam</i> —J. W. Kirk.
<i>Jefferson</i> —B. D. Gibson, R. P. Chew.	<i>Raleigh</i> —Azal Ford.
<i>Kanawha</i> —A. E. Aultz, D. Mayer, J. W. Parrish.	<i>Ritchie</i> —J. C. Gluck.
<i>Lewis</i> —William E. Lively.	<i>Summers</i> —John W. Johnston.
<i>Lincoln</i> —A. B. Shelton.	<i>Taylor</i> —A. H. Thayer.
<i>Logan</i> —W. E. Justice.	<i>Tyler</i> —Silas Smith.
<i>Marion</i> —C. A. Pritchard, D. M. Harr.	<i>Upshur</i> —Stillman Young.
	<i>Wayne</i> —Robert Napier.

DELEGATES—CONTINUED.

<i>Wetzel</i> —Aaron Morgan.	<i>Third Del. Dist., Wyoming and McDowell</i> —William Bandy.
<i>Wirt</i> —Lindsey Merrill.	<i>Fourth Del. Dist., Pocahontas and Webster</i> —C. P. Dorr.
<i>Wood</i> —W. Vrooman, L. F. Stone, J. M. Meyer.	<i>Fifth Del. Dist., Randolph and Tucker</i> —W. L. Kee.
<i>First Del. Dist., Brooke and Hancock</i> —I. H. Duval.	<i>Sixth Del. Dist., Clay and Roane</i> —B. J. Taylor and Jesse Roach.
<i>Second Del. Dist., Grant and Hardy</i> —Joseph Sprigg.	
J. J. WOODS	<i>Speaker.</i>
JOHN M. HAMILTON	<i>Clerk.</i>
W. B. GIBBS	<i>Sergeant-at-Arms.</i>
A. W. KNOTTS	<i>Doorkeeper.</i>

This was the most exciting session in the annals of the State. The House of Delegates organized on the first day of the session, while the Senate continued balloting for President from the 9th to the 21st of January, resulting on the latter day in the election of Robert S. Carr, of Kanawha county. On the 22d, the first vote for United States' Senator was taken, but without result, and, with John E. Kenna and Nathan Goff as the strongest contestants, daily ballots were taken until the 21st day of February, when Kenna was declared elected, the vote standing: Kenna, 46; Goff, 45. In the meantime, Judge A. B. Fleming began a contest against General Nathan Goff for the office of Governor, and the Legislature adjourned without declaring the result of the preceding election as to the votes cast for the respective candidates for that office. The 4th of March came, and Governor E. W. Wilson claimed it as his duty to continue in office until the successor should be declared elected, but at twelve o'clock General Goff appeared at the capitol, when Judge H. C. McWhorter administered to him the oath of office. A few minutes later, Hon. Robert S. Carr, President of the Senate, entered the capitol and qualified as Governor, the oath being administered by Hon. A. D. McCorkle. He made

a formal demand for the office, quoting Section 16 of Article 7 of the Constitution as his authority. Governor Wilson repeated to President Carr the reply which he had made to General Goff. The question as to who shall be the legal Governor of the State is undecided as this goes to press, but the near future will bring a peaceable solution to the vexing question.

THE STATE CAPITAL.

At the time of the formation of the State, Wheeling became the Capital, and here the seat of Government continued until April 1, 1870, when in compliance with an act of February 20, 1869, it was removed to Charleston, which place was, by the act providing for the removal, declared to be the permanent capital. But it proved not to be such, for by another act of the Legislature, passed February 20, 1875, to take effect ninety days after its passage, it was again established at Wheeling "until otherwise provided by law." Citizens of Charleston enjoined the removal of the records from that city, and on the 20th of May, the Governor and other executive officers departed for Wheeling, but took no State property with them. Thus the State officers were at Wheeling and the archives at Charleston. The suit was carried before the Supreme Court of Appeals, where the injunction was dissolved and the archives removed and deposited in the Lindsey Institute building, which had been occupied previously as a Capitol. In it the government remained until the completion of the State building in 1876, which the city of Wheeling had erected. Still great dissatisfaction existed, and February 21, 1877, the Legislature passed a bill submitting the question of permanent location of the

capital to the people, to decide by ballot whether it should be at Clarksburgh, Martinsburg or Charleston, the act declaring that the place receiving the largest number of votes should from and after the 1st day of May, 1885, be the permanent capital of the State. Charleston was successful; work was at once begun on the capitol building at that place, and on the last date mentioned above the government made its final removal.

SUPREME COURT OF APPEALS.

This, the highest judicial body of the State, was organized at Wheeling, July 9, 1863. Under the first Constitution it consisted of three judges, who at the time of organization were William A. Harrison, Ralph L. Berkshire and James H. Brown. Judge Harrison was chosen President *pro tempore*; lots were cast and Berkshire drew the short term of four years; Brown that of eight years, and Harrison that of twelve years. The term of Berkshire, who was then made permanent president, expired in 1867, when he was succeeded by Edwin Maxwell, who was elected for the full term of twelve years. Harrison, because of failing health, resigned in June, 1868, when Berkshire was appointed to fill the vacancy. Upon the expiration of Brown's term in 1871, Charles P. T. Moore was elected for the full term. By the provision of the present Constitution, which became operative in 1872, the Court was reorganized and the number of judges increased to four. Those elected at that time were A. F. Haymond and H. S. Hoffman for four years; James Paull for eight years and Charles P. T. Moore for twelve years, he being the only one of the former judges that was

reelected. The Court reorganized in January, 1873. Haymond was reelected in October, 1876, but resigned in December, 1882, and Samuel Woods was appointed to fill the vacancy, and in October was elected for the remainder of the term, which expired in 1888, at which time Henry Brannon was elected for the full term. Hoffman resigned in June, 1876, when Mathew Edmiston was appointed for the unexpired term of seven months, at the termination of which in 1876, Okey Johnson was elected for the full term of twelve years, and in 1889, was succeeded by John W. English, also elected for the full term. Judge Paull died May 11th, 1875, and in December following Thomas C. Green was appointed to fill the vacancy; in October, 1876, he was elected for the unexpired term, and in 1880, for the full term. Judge Moore resigned June 1, 1881, and James F. Patton was appointed to fill the vacancy, but died March 28, 1882, when Adam C. Snyder was appointed; in October, 1882, he was elected for the remainder of the term, and in 1884 was reelected for the full term of twelve years. The Court is now composed of A. C. Snyder, T. C. Green, J. W. English and Henry Brannon. At the organization in 1863, Sylvanus W. Hall was chosen Clerk, and served until 1874, when he was succeeded by Odell S. Long, the present incumbent.

LIST OF STATE OFFICERS FROM THE FORMATION OF THE
STATE.

GOVERNORS.

1863-69, Arthur I. Boreman.	1877-81, Henry M. Mathews.
1869-71, William E. Stevenson.	1881-85, Jacob B. Jackson.
1871-77, John J. Jacob.	1885- E. Willis Wilson.

SECRETARIES OF STATE.

1863-65, J. Edgar Boyers.	1871-73, John M. Phelps.
1865-67, Granville D. Hall.	1873-77, Charles Hedrick.
1867-69, John S. Witcher.	1877-79, Sobieski Brady.
1869-71, James M. Pipes.	1879-85, Randolph Stalnaker.
	1885- Henry S. Walker.

TREASURERS.

1863-67, Campbell Tarr.	1875-77, Sobieski Brady.
1867-69, Jacob H. Bristor.	1877-81, Thomas J. West.
1869-71, James A. McCawley.	1881-85, Thomas O'Brien.
1871-75, J. S. Burdette.	1885- W. T. Thompson.

ATTORNEYS GENERAL.

1863-65, A. Bolton Caldwell.	1871-73, Joseph H. Sprigg.
1865-66, Ephraim B. Hall.	1873-77, Henry M. Mathews.
1866-67, Edwin Maxwell.	1877-81, Robert White.
1867-69, Thayer Melvin.	1881-85, C. C. Watts.
1869-71, A. Bolton Caldwell.	1885- Alfred Caldwell.

AUDITORS.

1863-5, Samuel Crane.	1871-77, E. A. Bennet.
1865-9, Joseph M. McWhorter.	1877-85, Joseph S. Miller.
1869-71, J. R. Boggess.	1885- Patrick F. Duffy.

STATE SUPERINTENDENTS OF SCHOOLS.

1863-69, William R. White.	1872-73, W. K. Pendleton.
1869-70, Henry A. G. Ziegler.	1873-77, B. W. Byrne.
1870-71, A. D. Williams.	1877-81, W. K. Pendleton.
1871-72, Charles S. Lewis.	1881-85, B. L. Butcher.
	1885- B. S. Morgan.

ADJUTANTS GENERAL.

1863-64, Henry J. Samuels.	1871-76, State Supt. Schools, Adj.-Gen
1864-67, Francis P. Pierpont.	<i>ex-officio.</i>
1867-69, Isaac H. Duval.	1876-81, Edward L. Wood.
1869-71, Thomas M. Harris.	1881-85, William F. Butler.
	1885- Edward L. Wood.

UNITED STATES SENATORS.

1863-71, Waitman T. Willey.	1876-77, Samuel Price.
1863-69, Peter G. Van Winkle.	1877-81, Frank Hereford.
1869-75, Arthur I. Boreman.	1881-87, Johnson N. Camden.
1871-83, Henry G. Davis.	1883-89, John E. Kenna (Relected).
1875-76, Allen T. Caperton.	1887- Charles J. Faulkner.

MEMBERS OF CONGRESS.

First District.

1863-65, Jacob B. Blair, Wood county.	1871-73, Benjamin Wilson, Harrison.
1865-69, Chester D. Hubbard, Ohio.	1873-75, John J. Davis, Harrison.
1869-71, I. H. Duval, Brooke.	1875-83, Benjamin Wilson, Harrison.
1883-89, Nathan Goff, Harrison.	

Second District.

1863-65, William B. Brown, Preston.	1872-74, J. M. Hagana, Monongalia.
1865-67, George R. Latham, Upshur.	1874-76, Charles J. Faulkner, Berkeley.
1867-68, B. M. Kitchen, Berkeley.	1876-81, Benjamin F. Martin, Taylor.
1868-72, James C. McGrew, Preston.	1881-83, John Blair Hoge, Berkeley.
1883-89, William L. Wilson, Jefferson.	

Third District.

1863-67, Kellian V. Whaley, Mason.	1871-77, Frank Hereford, Monroe.
1867-69, Daniel Polsley, Mason.	1877-83, John E. Kenna, Kanawha.
1869-71, John S. Witcher, Cabell.	1883-89, C. P. Snyder, Kanawha.

Fourth District.

1883-87, Eustace Gibson, Cabell.	1887-89, Charles E. Hogg, Mason.
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CIVIL GOVERNMENT OF WEST VIRGINIA.

I. BRANCHES OF GOVERNMENT	} Legislative. Executive. Judicial.

I. THE LEGISLATIVE BRANCH.

A.—THE SENATE.

1. Number—Two from each Senatorial district.
2. Elected—By the people, one from each district every two years.
3. Term—Four years.
4. Qualifications—Twenty-five years of age; a resident of the State five years and of the district one year.
5. Salary—\$4.00 per day when in session, and 10 cents mileage to and from the seat of government.
6. *Powers and Duties.*
 - (a) Elects its own officers.
 - (b) Punishes its members for disorderly conduct.
 - (c) Confirms or rejects nominations of the Governor.
 - (d) Originates bills and performs legislative functions.
 - (e) Passes, amends or rejects bills originating in the House.
 - (f) Acts as Court of Impeachment for trial of high public officers.

B.—THE HOUSE OF DELEGATES.

1. Number—Sixty-five members.
2. Elected—By the people.
3. Term—Two years; the entire House elected every two years.
4. Qualifications—Resident of county he represents one year preceding his election.
5. Salary—\$4.00 per day during session, with 10 cents mileage to and from seat of government.
6. *Powers and Duties.*
 - (a) Elects its own officers.
 - (b) Prepares articles of impeachment and prosecutes impeachments before the Senate.
 - (c) Originates bills and performs legislative functions.
 - (d) Punishes its own members for disorderly conduct.
 - (e) Passes, amends or rejects bills originating in the Senate.

C.—THE LEGISLATURE (the House and Senate jointly).

1. Duration—Regular biennial session begins second Wednesday in January, and continues but forty-five days, unless extended by a two-thirds vote of the Houses jointly.
2. Special sessions—Convenes on call of Governor.
3. Elects United States Senators.
4. Passes laws over Governor's veto by a two-thirds vote.
5. Counts vote and declares result of State elections.
6. Enacting clause—"Be it enacted by the Legislature of West Virginia."

II. THE EXECUTIVE BRANCH.

A.—THE GOVERNOR.

1. Elected—By the people every four years; is not eligible for re-election, and in case of death or resignation, conviction on impeachment, or failure to qualify, is succeeded by the President of the Senate.
2. Qualifications—Must be thirty years of age and a resident of the State not less than five years.
3. Term of office—Four years.
4. Salary—\$2700 per annum.
5. *Powers and Duties.*
 - (a) Commander-in-chief of State Military Establishment.
 - (b) Approves or disapproves all acts of the Legislature.
 - (c) Appoints Civil and Military officers, Boards of Directors and State Agents, by and with the advice and consent of the Senate.
 - (d) Convenes the Legislature in extra session.
 - (e) Signs commissions of State officers and issues certificates.
 - (f) Fills vacant State offices by appointment.
 - (g) Grants pardons and reprieves for offences against the State.
 - (h) Is President of Board of Public Works.

B.—EXECUTIVE DEPARTMENTS.

1. *Secretary of State.*
 - (a) Appointed by the Governor and confirmed by the Senate.
 - (b) Salary—\$1000, and fees.
 - (c) Duties—Is the keeper of the State seals; keeps Journal of Executive proceedings, and arranges and preserves all records and papers belonging to the Executive Department.
 - (d) Is Secretary of Board of Public Works.
2. *Treasurer.*
 - (a) Has charge of the collection and disbursement of the public money.
 - (b) Elected by the people for four years.
 - (c) Salary is \$1400.
3. *Auditor.*
 - (a) Elected by the people for four years.
 - (b) Salary—\$2000.
 - (c) Draws warrants on the Treasurer for payment of money.
 - (d) Is *ex-officio* a Commissioner of State Printing.
4. *Attorney General.*
 - (a) Elected by the people for four years.
 - (b) Salary—\$1300.
 - (c) Has charge of the Legal Department of the State.

5. *Superintendent of Public Schools.*

- (a) Has general supervision of Free Schools.
- (b) Salary is \$1500.
- (c) Is *ex-officio* a Commissioner of State Printing.

C.—BOARD OF PUBLIC WORKS.

1. Composed of the Governor, Auditor, Treasurer, Superintendent of Free Schools and Attorney General.
2. *Powers and Duties.*
 - (a) Designates what banks shall be State depositories.
 - (b) Has charge of all internal improvements.
 - (c) Appoints Collectors of Tolls.

III. THE JUDICIAL BRANCH.

A.—THE SUPREME COURT OF APPEALS.

1. Number of Judges—Four.
2. Elected—By the people for twelve years.
3. Salary—\$2200 per annum.
4. Removable by Impeachment before the Senate.
3. Terms of Court—Three annually, held respectively at Charleston, Wheeling, and Charlestown, in January, June and August.
6. Original Jurisdiction—
 - (a) In cases of *habeas corpus*, *mandamus* and prohibition.
7. Appellate Jurisdiction—
 - (a) In civil cases, in controversies involving a greater amount than \$100, exclusive of costs.
 - (b) Concerning title or boundary of lands, probate of wills, the appointment or qualification of a personal representative guardian, committee, or curator.
 - (c) Concerning a mill, roadway, ferry or landing.
 - (d) In cases relating to the right of a corporation to levy tolls or taxes.
 - (e) In cases of *quo warranto*, *habeas corpus*, *mandamus*, prohibition and certiorari, and all others involving freedom or the constitutionality of a law.
 - (f) Such additional jurisdiction as may be conferred by the Legislature.
 - (g) In criminal cases, where there has been a conviction for felony or misdemeanor in a Circuit Court.
 - (h) In cases relating to the public revenue : State can appeal.

B.—THE CIRCUIT COURT.

1. Qualifications of Judge—Of good moral character and learned in the law.
2. Salary—\$1800 per annum.
3. Original Jurisdiction—
 - (a) Of all matters of law where the amount involved exceeds \$50.00; exclusive of interest and costs.
 - (b) Of cases of *habeas corpus*, *quo warranto*, *mandamus* and prohibition.
 - (c) Of all cases in equity, and of all crimes and misdemeanors.
4. Appellate Jurisdiction—
 - (a) In all cases, civil and criminal, when an appeal, writ of error or *supersedeas* may be allowed to the judgment or proceedings of any inferior tribunal.
 - (b) May supervise and control all proceedings before Justices and other inferior tribunals by *mandamus*, prohibition and *certiorari*.
 - (c) Such other jurisdiction as may be conferred by law.

C.—THE COUNTY COURTS.

1. Number of Commissioners—Three.
2. Powers and Duties.
 - (a) Has custody, through its clerk, of all deeds and other papers presented for record in their county.
 - (b) Has jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators and the settlement of their accounts.
 - (c) Has superintendence of internal police and fiscal affairs of the county, including the establishment and regulation of roads, ways, bridges, public landings and ferries, with authority to lay and disburse county levies.
 - (d) Its power to grant license for sale of intoxicating liquors is exclusive.
 - (e) It sits in all cases of contest of its own members and all county and district officers.

PART II.

THE COUNTIES OF WEST VIRGINIA.

PART II.

INTRODUCTION.

COUNTY DEPARTMENT.

Date of Formation—For whom Named—Why so called—Date of Legal Establishment of Towns with Names of First Trustees and Date of Incorporation—Pioneer Recollections and Historic Events of each of Fifty-four Counties of the State.

IN 1634, twenty-seven years after the founding of Jamestown, Virginia was divided into eight counties or shires, similar to those of England. These, the first counties organized in the New World, were named as follows: James City, Henrico, Elizabeth City, Warwick River, Warrosquyoake—now Isle of Wight—Charles River and Acomack. Virginia ever tried to keep civil government abreast of her most adventurous pioneers, and to accomplish this, her House of Burgesses continued to make provision for the formation of new counties. After the eight original ones came others in the order named: Northampton and Gloucester, in 1642; Northumberland, in 1648; Surry and Lancaster, in 1652; Westmoreland, in 1653; Sussex and New Kent, in 1654; Stafford and Middlesex, in 1675; Norfolk, Princess Anne, and King and Queen, in 1691; Richmond, in 1692; King William, in 1701; Prince George, in 1702; Spottsylvania, King George, Hanover, and Brunswick, in 1720; Goochland and Caroline, in 1727;

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Amelia and Orange, in 1734; Augusta, in 1738; Albemarle, in 1744; Amherst in 1761, and Botetourt, in 1769.

When Augusta county was formed, it included all of the "utmost parts of Virginia," and extended from the Blue Ridge on the east to the Mississippi on the west. From its original limits have been carved the States of West Virginia, Kentucky, Ohio, Indiana, Illinois and Michigan. Its western boundary was the French possessions of Louisiana.

Botetourt was formed from the southern part of Augusta, from which it was separated by a line drawn westward from the point at which the James river breaks through the Blue Ridge, and terminating near the present site of Keokuk, on the Mississippi. In 1772, Fincastle county was formed from the southern part of Botetourt, but its existence was of short duration, for it was extinguished in 1776, by an act of the General Assembly, which created from its territory the three counties of Montgomery, Washington and Kentucky, the boundaries of the latter being almost identical with those of the State now bearing that name.

In 1778, Virginia made her first effort to establish civil government west of the Ohio. In October of that year, the Assembly passed an act creating the county of Illinois from Botetourt. It included all of Virginia west of the Ohio river, by which it was bounded on the south and southeast; Pennsylvania lay on the east; the Great Lakes bounded it on the north and the Mississippi washed it on the west. John Todd was appointed County Lieutenant and Civil Commandant of Illinois County. He was killed at the battle of Blue Licks, in Kentucky, August 18, 1782, and his successor in office was Timothy de Montbrunn.

But Virginia's authority was not long to continue beyond the Ohio. On the 20th of October, 1783, the Assembly passed an act entitled "An act to authorize the delegates of this State in Congress to convey to the United States in Congress assembled all the rights of this Commonwealth to the territory northwestward of the river Ohio." This offer the United States accepted, and the Deed of Cession was promptly made March 22, 1784, and signed on the part of Virginia by Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, members of Congress from Virginia. This deed may be seen in "Henning's General Statutes," Vol. xi, p. 571, and in Chapter xiii of this work.

Before entering upon the history of the individual counties, it is proper to notice what was for some time known as the "District of West Augusta." The boundaries, which will be best understood by the reader with a map of the State before him, were defined by Act of Assembly in 1776, as follows: "Beginning on the Allegheny Mountains between the heads of Potowmack, Cheat, and Greenbrier rivers; thence along the ridge of mountains which divides the waters of Cheat river from those of Greenbrier, and that branch of the Monongahela river, called Tygart's Valley river, to the Monongahela river; thence up the said river and the West Fork thereof to Bingamon's creek, on the northwest of the said West Fork; thence up the said creek to the head thereof; thence in a direct course to the head of Middle Island creek, a branch of the Ohio; and thence to the Ohio, including all the waters of the aforesaid creek in the aforesaid District of West Augusta, all that territory lying to the northward of the aforesaid boundary and to the

westward of the States of Pennsylvania and Maryland, shall be deemed and is hereby declared to be within the "District of West Augusta."

The boundaries thus defined, if delineated on a map of the present State, would begin on the summit of the Alleghenies at the northeast corner of Pocahontas county and run thence southwest between that county and Randolph to Mingo Flat in the latter; thence north through that county, northwest through Barbour and Taylor into Marion with the meanderings of Tygart's Valley river to its confluence with the Monongahela; thence up the West Fork of that river to the mouth of Bingamon's creek in Harrison, and thence west with that stream to its source, and thence southwest through the latter county to the head of Middle Island creek in Doddridge; thence northwest centrally through that county and Tyler to the Ohio; thence northeast with that river to the present site of Pittsburgh; thence with the Monongahela and Cheat river through the southwestern part of Pennsylvania and Preston and Tucker counties, to the beginning. The territory thus embraced included two-thirds of the county of Randolph, half of Barbour, a third of Tucker, half of Taylor, a third of Preston, nearly the whole of Marion, Monroe and Monongalia, a fourth of Harrison, half of Doddridge, two-thirds of Tyler, and the whole of Wetzel, Marshall, Ohio, Brooke and Hancock in West Virginia, and the whole of Greene, Washington and parts of Allegheny and Beaver counties in Pennsylvania.

A succeeding section of the same act provided for the division of West Augusta into three counties to be known as Ohio, Yohogania and Monongalia. By

the westward extension of Mason and Dixon's Line in 1784, the greater part of Yohogania fell into Pennsylvania and the remainder was, by act of Assembly in 1785, added to Ohio county. Thus Yohogania became extinct.

Having thus briefly noticed the efforts of Virginia to establish civil government in her western domain, we proceed to the counties of the State in detail, taking them in the order of their date of creation, believing that a better idea of their position and extent will be obtained than by an alphabetical arrangement.

HAMPSHIRE.

Hampshire is by twenty-five years the oldest county in the State. Frederick county was formed from Orange in 1738, and included all the territory lying north of Augusta and south of the Potomac river. In 1754, it was enacted by the Lieutenant-Governor, Council and Burgesses, "That on the first day of May next ensuing, all that part of the county of Augusta which lies within the bounds of the Northern Neck be added to and made part of the county of Frederick, and that said part of the county of Frederick so to be added to, shall, from and immediately after the said first day of May, the said county of Frederick and the said part of the county of Augusta so to be added to, and made part of the county of Frederick, as aforesaid, be divided into two counties; and that all that part thereof lying to the westward of the ridge of mountains commonly called and known by the names of Great North, and Cape Capon mountains and Warm Spring mountains extending to Potomac river, be one distinct county, to be called and known by the name of Hampshire; and all that other part thereof, lying to the eastward of the said ridge of mountains, be one distinct county and retain the name of Frederick." It will be observed that the western boundary is not defined. It was not necessary, for the county extended to the "utmost parts of Virginia" which were bounded west and northwest by the Great Lakes and Mississippi river.

At the time of its organization its settled portion lay within the Northern Neck, the Royal Grant of which was vested in Lord Fairfax, and the county owes

its name to an incident related in Kercheval's "History of the Valley." "Lord Fairfax, happening to be at Winchester, one day observed a drove of very fine hogs, and inquired where they were from. He was told that they were raised in the South Branch Valley; upon which he remarked that when a new county should be formed to the west of Frederick to include the South Branch Valley, it should be called for Hampshire county in England, so celebrated for its fat hogs."

Owing to the continuation of the French and Indian War, the county was not organized until 1757, when the first court convened, the presiding justice being the Right Honorable Thomas Bryan Martin, a nephew of Lord Fairfax. The present area is 630 square miles.

Romney, the county seat and the oldest town in the State, was laid out in November, 1762, by Lord Fairfax, who named it "Romney" after the town of that name in England, one of the Cinque Ports on the English Channel. It, together with Hastings, Hythe, Dover and Sandwich, received peculiar privileges on condition of furnishing ships in time of war. By an Act of Assembly, December 4th, 1789, Isaac Parsons, Isaac Miller, Andrew Woodrow, Stephen Colvin, Jonathan Russell, Nicholas Casey, William McGuire, Perry Drew and James Murphy were appointed trustees of the town. In 1792 it was shown to the Assembly that it was "uncertain and unknown to whom many lots in the town of Romney legally belonged, for the reason that the late Lord Fairfax hath made no deed," and on the 27th of December that year, that body enacted that "the title to said lots shall be vested in the trustees, whose title to them shall be valid in law." January 11th, 1811, it was enacted that "it shall not be law-

ful for any person or persons to play at the game called and known by the name of Bullets, or to run any horse race on the streets of Romney." February 24th, 1818, the Assembly appointed a new board of trustees for the town, consisting of James Daily, John Jack, John McDowell, Warner Thorcmorton, Thomas Mullady, Samuel Kercheval, Christopher Heiskell and James Gibson. The town is beautifully situated on a bluff overlooking the South Branch river, sixteen miles south of the Baltimore and Ohio Railroad at Green Spring Station, which is fourteen miles east of Cumberland City, and one hundred and sixty-four miles west of Baltimore. Washington, on his journey to the Ohio, spent the night of the 9th of October, 1770, in Romney.

Watson Town, in the extreme southern part of the county, is a famous resort visited by several hundred guests annually. It was established by law December 12, 1787, on lands of Joseph Watson; and Elias Poston, Henry Fry, Isaac Hawk, Jacob Hoover, John Winterton, Valentine Swisher, Rudolph Bumgardner, Peter McKeever, John Sherman and Isaac Zane were appointed trustees. December 27, 1800, the following additional trustees were appointed: Andrew Woodrow, James Singleton, John Little, Stephen Pritchard, Moses Russell, Henry Beatty, John Croudson, and Henry Powell. January 4, 1816, new trustees were appointed as follows: Charles Brent, Philip Williams, David Ogden, John Little, George Huddle, William Herron and Archibald Craigwell. March 8, 1849, an addition of ninety-five acres was made to the town. It was surveyed by John B. Sherrard, deputy surveyor of the county.

Springfield, in the northwest, named from a Massa-

chusetts battle field of the Revolution, was established December 16, 1790, at the Cross Roads on the lands of William and Samuel Abernethy, with John Taylor, William Campbell, Robert Reynolds, Jacob Earsom, John Pancake, Fielding Calmes and Andrew Hughes, trustees.

Ancient Battle Field.—Tradition tells of a fierce battle between the contending tribes of the Delawares and Catawbias, which occurred within the present limits of Hampshire county. Of this contest Kercheval says:—

“A great battle between these hostile tribes, it is said, was fought at what is called the Hanging Rocks, on the Wappatomaka, in the county of Hampshire where the river passes through the mountain. A pretty large party of Delawares had invaded the territory of the Catawbias, taken several prisoners, and commenced their retreat homewards. When they reached this place they made a halt, and a number of them commenced fishing. Their Catawba enemies, close in pursuit, discovered them, and threw a party of men across the river, with another in their front. Thus enclosed, with the rock on one side, a party on the opposite side of the river, another in front, and another in their rear, a most furious and bloody onset was made, and it is believed that several hundred of the Delawares were slaughtered. Indeed, the signs now to be seen at this place exhibit striking evidence of the fact. There is a row of Indian graves between the rock and public road, along the margin of the river, from sixty to seventy yards in length. It is believed that very few of the Delawares escaped.”

Indians Approach the Fort near Romney.—A few

miles below the present site of Romney stood one of those primitive works of defense against savage incursion. Shortly after Braddock's defeat, there was among the inmates of this fort a family named Hogeland. During harvest, Mrs. Hogeland, with two men acting as guards, went a short distance from the fort to gather beans. Suddenly eight or ten Indians made their appearance, when one of the guards took to flight. The other, whose name was Hogeland, placed himself between the woman and the savages, and, with rifle presented, retreated from tree to tree, until both reached the fort unharmed. The old men within gave the alarm to the harvest hands by a discharge of rifles. The men hastily retreated to the fort. The same day, while returning to work, they were fired upon by Indians, and Henry Newkirk wounded. They returned the fire, and the Indians fled.

Bowers and York Attacked.—Another of these early forts was at the Forks of Capon, in the present county of Hampshire. Four or five miles distant was a fertile field which the inmates of the fort cultivated. About the year 1758, two men—Bowers and York by name—returning from the field to the fort, were waylaid by seven Indians. Bowers was shot and fell dead. York fled, pursued by three of the savages, and, after a desperate race, reached the fort in safety.

FURMAN'S FORT was situated about one mile above the Hanging Rock on the South Branch. In the year 1764, Henry Furman and Nimrod Ashby left the fort to hunt in the Jersey mountains. They were discovered and both killed by a party of eighteen Delawares, who thence passed into Frederick county, where they divided into two parties, and continued their savage

work. One of the parties returning with a number of helpless victims whom they were carrying into captivity, encamped near Furman's Fort. Early in the morning, alarmed by the report of guns at the fort, they fled across the Wappatomaka. In their haste one of the prisoners, Mrs. Thomas, being left to ford the river without help, succeeded in escaping, and found refuge in William's Fort, two miles below the Hanging Rock.

THOMAS and SAMUEL MULLADY. Prominent among those whom the county has given to public life were the Mullady brothers, two sons of Thomas Mullady, an Irish Catholic. The sons, Thomas and Samuel, were both educated at the Propaganda at Rome. After two years devoted to study, Thomas served two years as tutor of the Crown Prince of Naples, after which he returned to his own country and was soon made President of Georgetown College. That institution never had in its faculty a riper scholar than he. He was perhaps the most accomplished scholar in the language and literature of Italy which this country has produced. Samuel, scarcely inferior to his brother, died while serving as President of Worcester College, Massachusetts. Both stood high as preachers and ecclesiastics.

CAPTAIN WILLIAM KEITER, of the Tennessee Artillery, Confederate Army, was a native of Hampshire county. He was the son of Benjamin Keiter, whose father emigrated to the county from Pennsylvania about the year 1790. Young Keiter was born June 3, 1830, and after attending two terms at Romney Academy, he entered the Virginia Military Institute, from which he graduated July 4, 1859. Repairing to Shelbyville, Tennessee, he there engaged in teaching.

In 1861, he entered the Confederate Army, and was made captain of an artillery company. He was killed in 1862, by the explosion of a gun.

REV. WILLIAM HENRY FOOTE, D. D., an eminent Presbyterian divine and author, was long a resident of Romney. He was born at Colchester, Connecticut, December 20, 1794, and after attending Bacon Academy in his native town, entered Yale College in 1814, where he graduated two years later. He came to Fredericksburg, Virginia, and united with the church in 1817, after which he studied theology at Princeton, and was licensed to preach by the Winchester Presbytery at Gerrardstown, October 21, 1819, and entered upon his pastoral work at Woodstock. In 1824, he became pastor of the Romney Church, then known as Mount Bethel Church, at the same time serving the congregations at Springfield and Patterson's Creek. In 1835, he was appointed agent for the Central Board of Foreign Missions, and removed to Philadelphia, where he resided until 1845, when he again assumed charge of the Romney Church, in which connection he continued until his death, November 22, 1869, with the exception of the years of the Civil War which he spent in East Virginia employed as a missionary among the wounded. He was a voluminous writer, and in addition to his contributions to the periodical literature of the day, he was the author of several published works, among them being "Sketches of North Carolina," "The Huguenots, or Reformed Dutch Church," and "Sketches of Virginia," the last published in Philadelphia, in 1850.

CRAIG W. McDONALD, of the Confederate States Army, was born in this county in 1837. His maternal

grandfather was William Naylor, a prominent lawyer and distinguished member of the Virginia Constitutional Convention of 1829-30. His father was Colonel Angus McDonald, a son of Major Angus McDonald, who was the builder of Fort Henry at Wheeling, and long prominent in the Border Wars. He was descended in a direct line from the McDonalds of Glengary, so famous in Scottish history.

Young McDonald, after a thorough course in the Romney Classical School, entered the Virginia Military Academy in July, 1855, but in the following October became a student in the Virginia University. When the Civil War began, he was teaching school in Culpeper county, but with the call to arms he hastened to Winchester, where he joined the command of General Elzey, who made him his aid-de-camp. He followed the fortunes of his commander to the battle of Gaines' Mills, where he was struck in the breast by a grape shot and fell dead upon the field. His remains now repose in Hollywood cemetery—the Beautiful City of Dead—at Richmond.

BERKELEY.

Berkeley, the central county of the Eastern Panhandle, has an area of 320 square miles. It was created by an act of the House of Burgesses passed February, 1772—the twelfth year of the reign of George III. By it two new counties were formed from Frederick, viz., Berkeley and Dunmore. By act of October, 1777, the name of the latter was changed to Shenandoah. The act creating the counties declared: “That from and after the said fifteenth day of May next, the inhabitants of the said counties of Berkeley and Dunmore respectively, shall discharge all fees due from them to the secretary, clerks and other officers in said counties at the rate of eight shillings and four pence for every hundred weight of tobacco.”

SIR WILLIAM BERKELEY, from whom the county derived its name, was born near London, England, about the year 1610. He graduated at Oxford in 1629, and afterwards traveled extensively on the continent. He was appointed Governor of Virginia, and arrived in the Colony in 1642. During the period of the Commonwealth in England, he adhered to the Royal cause, and Virginia was the last of the American colonies to acknowledge the authority of Cromwell. In 1652, he was succeeded by Richard Bennet, but upon the restoration of the monarchy in 1660, Charles II. once more made Berkeley Governor of Virginia. Bacon's Rebellion occurred during his second administration, and he rendered himself unpopular because of his severity against the followers of that leader, twenty-three of whom he caused to be executed. Charles II., when he heard of this, exclaimed: “The old fool has

taken more lives in that naked country than I have for my father's murder." Berkeley, in describing Virginia in 1765, said: "Thank God, there are no free schools or printing presses in this colony, and I hope there will be none for a hundred years." He was called home and died at Twickenham, England, July 9, 1677.

Martinsburg, the county seat, was made a town by legislative enactment in October, 1778, on the lands of General Adam Steven with James McAllister, Anthony Noble, Joseph Mitchell, James Strode, Robert Carter Willis, William Patterson and Philip Pendleton, trustees. The titles to lots were vested in the trustees, but notwithstanding, General Steven sold and made deeds to several lots. A few years later these titles were disputed, and in May, 1784, the Assembly passed an act making them as "valid and effective as if the conveyance had been made by the trustees themselves." November 30, 1793, the Assembly directed the trustees to establish a market house, and appointed a clerk for the same. February 9, 1813, it was enacted that "all free, white, male persons, being citizens of Virginia and freeholders of the said town," should meet at the court house on the first Monday in April of that year and elect seven fit persons to be trustees thereof. The Martinsburg Academy was established January 8, 1822, with David Hunter, Elisha Boyd, Philip C. Pendleton, John S. Harrison and John R. Cook, trustees. March 6, 1856, the qualified voters of the town were authorized by legislative enactment to elect a mayor and common council. The town derived its name from Colonel T. B. Martin. The following in relation to the county seat is subjoined from Kercheval:—

"Tradition relates that an animated contest took

place between the late General Adam Steven and Jacob Hite in relation to fixing the seat of justice for this county; Hite contending for the location thereof on his own land, at what is now called Leetown, in the county of Jefferson, Steven advocating Martinsburg. Steven prevailed, and Hite became so disgusted and dissatisfied that he sold out his fine estate, and removed to the frontier of South Carolina. Fatal remove. He had not long been settled in the State before the Indians murdered him and several of his family in the most shocking and barbarous manner."

Darkesville, which commemorates the name of the brave General Darke, was established December 7, 1791, on lands of James Buckells, with Andrew Waggener, James Strode, John Fryett, John Butler, John Chinowith and Edward Fryett, trustees. December 31, 1810, the freeholders are directed to elect five fit and able men, freeholders and inhabitants of the town, to be trustees thereof.

Middletown—now called Gerrardstown—was established by legislative enactment in October, 1787. The town was laid off by Rev. David Gerrard, and contained one hundred lots. William Henshaw, James Haw, John Gray, Gilbert McKewan and Robert Allen were appointed trustees.

Fort Frederick, situated on the Maryland side of the Potomac, about twelve miles from Martinsburg, was built in 1755 and 1756, under the superintendence of Governor Sharpe, of Maryland. Its walls of solid masonry were four and a half feet thick at the base and three feet thick at the top. It was erected at a cost of sixty-five thousand pounds sterling. Braddock's defeat left the western frontier more than ever

exposed to the daring depredations of the savage foe, who were now aided and abetted by the French. In the spring of 1756, a party of about fifty Indians, commanded by a French captain, crossed the Alleghenies. Captain Jeremiah Smith, at the head of twenty brave men, met and defeated them near the source of Capon river, killing the captain and five Indians. Smith lost two men. Among papers found on the body of the captain was one bearing instructions to meet another party of Indians in the vicinity of Fort Frederick and assist them in destroying the fort and magazine. This second body of Indians was encountered and dispersed on the lower waters of the North branch of the Capon by Captain Joshua Lewis at the head of eighteen men. The Indians abandoning the meditated attack on Fort Frederick, separated into small parties and carried their murderous work into the territory now embraced within the counties of Shenandoah, Frederick and Berkeley. One party crossed the mountain at Mill's Gap and within half a mile of the present site of Gerardstown, killed a man named Kelly and several of his family.

Evans' Fort.—The same party then pressed on to the present site of Martinsburg. Most of the people had fled for safety to John Evans' Fort, a stockade within two miles of where the above-named town now stands. They attacked the house of a Mr. Evans—brother to the owner of the fort. They were driven off and the family immediately took shelter in the fort. The men had gone in pursuit of the Indians when Mrs. Evans discovered them in the neighborhood. She at once armed herself, the other women following her example, and directed a little boy to beat to arms

on a drum. This so alarmed the Indians that they set fire to the house in which they were concealed and fled. They discovered the men from the fort, but the latter finding the enemy too strong for them, made a hasty retreat.

Neally's Fort.—The Indians continued their raid, to Opequon and attacked Neally's Fort. Many of the inmates were massacred and a number taken prisoners, among the latter, George Stockton and his sister Isabella. Of her it is related that she was sold in Canada, where a young Frenchman, Plata, fascinated by her beauty and manners, asked her hand in marriage. She consented, provided her father's permission should first be obtained. Plata conducted her home, but met with a peremptory refusal from the father, whereupon the young man persuaded her to elope with him. Mounting two of her father's horses they began the journey to Canada, but at Huntersville, Pennsylvania, they were overtaken by two of her brothers, and Isabella and her devoted lover ruthlessly separated. The young lady was carried back to the paternal home and the unfortunate Plata warned that should he make any attempt to secure her, his life would pay for his audacity.

Early Churches.—Within the limits of Berkeley county the first churches west of the Blue Ridge were established. Presbyterian congregations came with the early Scotch-Irish settlers. Semple's "History of the Virginia Baptists" states that a number of that denomination removed from New England in 1754. "They halted first at Opequon, in Berkeley county, Virginia, where they formed a Baptist Church under the care of the Rev. John Gerard."

ANDREW WAGGENER. Among the many German emigrants who came to America in the early years of the eighteenth century, were Andrew Waggener and his five brothers. Andrew with one brother, Edward, settled in what is now Culpeper county, Virginia, about the year 1750. They were among the volunteers who joined Colonel Washington in his expedition against Fort Du Quesne in 1754. The following spring they marched with their regiment—the 1st Virginia—to the fatal scene of Braddock's defeat. Among the seven hundred English who lay dead upon the field was Edward Waggener. After this disaster the Virginians hastened to the defence of the frontier, now more than ever exposed to the storm of savage warfare. Andrew Waggener was commissioned Captain and placed in command of the garrison at Fort Pleasant. (See "Hardy county".) When the Indians ceased to visit the Valley about the year 1765, Captain Waggener purchased land and settled at Bunker's Hill, then in Frederick county, Virginia, now in Berkeley county, West Virginia. Here he resided until the beginning of the Revolution, when he once more entered the army and served with Washington throughout the war. He bore a Major's commission and was at Valley Forge, Princeton, and Trenton, and saw the British army become prisoners of war at Yorktown. Major Waggener was one of the patentees for whom Washington surveyed land on the Ohio in 1770. His lands were located on what has ever since been known as Waggener's Bottom, on the Ohio river, within the present limits of Mason county. He never settled on these lands, but after the Revolution continued to reside on his homestead at Bunker's Hill. He was a personal friend of

Washington and a frequent guest of the first President.

COLONEL WILLIAM CRAWFORD. Among the natives of Berkeley county whose names are preserved in history, no other, perhaps, has excited so much attention and sympathy as that of Colonel William Crawford. He was born in this county in 1734. In 1754, at the head of a company he marched with Washington against Fort Du Quesne. His behavior on this occasion won for him the esteem of his commander, which in after years ripened into a warm friendship. In 1765 he made his first visit to the West, and two years later removed his family and settled on the Youghiogeny river, within the present limits of Fayette county, Pennsylvania. He was among the first settlers in the Valley, and his reputation for generosity and hospitality lived long after his cabin home was in ruins. In Washington's journal of his tour to the West in 1770, he frequently refers to Colonel Crawford, with whom he spent several days, it seems, most pleasantly. Crawford accompanied him to Fort Pitt, and thence to the great Kanawha, and located most of his lands on the Ohio. When the Revolution began, Crawford, by his own personal efforts, enrolled a regiment, in compensation for which he received a Colonel's commission in the Continental army. This commission he held when he unwillingly became the leader of an expedition against the Wyandots, which terminated so fatally for him. His papers and records have all been lost and his family scattered, so that very little is known of his personal character save what has been preserved in the traditions of the pioneers whom he so gallantly defended.

CHARLES JAMES FAULKNER, SR., who at the age of eight years was left an orphan without a relative in America, was born in Martinsburg, July 2, 1806. He was the son of Major James Faulkner, a distinguished officer in the war of 1812, and Sarah Mackay, whose father, William Mackay, was an officer in the Revolutionary War. He entered Georgetown College in 1816, and graduating therefrom in 1822, he attended the law school of Chancellor Tucker at Winchester, and in 1829 was admitted to the bar. In 1832, he represented Berkeley county in the General Assembly, where his argument favoring the gradual emancipation of slaves in Virginia at once rendered him a prominent figure in State politics. At this time Maryland instituted a suit against Virginia, the object being to establish the claim of the former to a large tract of territory on the northern boundary of the latter. Mr. Faulkner was appointed by Virginia to prepare a report on the boundary between the two States. This he did, and so elaborate, and such a lucid exposition of the points involved was it, that it at once settled the controversy. The legal proceedings were dismissed, nor has the claim of Maryland to the disputed territory ever been revived. His report is found in full in Part First of this work. In 1833, he again represented Berkeley county in the Assembly, after which, having wedded the daughter of General Elisha Boyd, he retired from public life, and for eight years devoted his energies to the practice of his profession, and the material development of his native county. In 1841, he was elected a member of the United States Senate, but resigned his seat before the expiration of his term. He was an earnest advocate of the annexation of Texas, and in

1846, actively supported the government in its declaration of war against Mexico. In 1848, he was again a member of the Assembly, in which body he submitted a report, most of the provisions of which Congress the next year embodied in the Fugitive Slave Law. In 1850, he was one of the representatives from Berkeley and Jefferson counties in the State Constitutional Convention, in which he championed the views of the people of the western part of the State. He was elected to Congress in 1851, and by consecutive reelections served four terms. Upon the election of Buchanan to the Presidency, Mr. Faulkner was given the mission to France, and being promptly confirmed by the Senate, arrived in Paris, February 18, 1857, and was officially presented to the Emperor on the 4th of March. Upon the election of Mr. Lincoln, he resigned his mission, and returning to Washington, was arrested and held as a hostage for Henry S. Magraw, State Treasurer of Pennsylvania, and confined in the city jail. Subsequently he was removed to Fort Lafayette, New York Harbor, and later to Fort Warren, near Boston, where, December 9, 1881, he was released by exchange, and returned to Virginia. He served as Adjutant-General on the staff of Stonewall Jackson, and after the war, as soon as permitted by the laws of West Virginia, resumed the practice of his profession at Martinsburg. He was one of the counsel on behalf of West Virginia in the suit brought by Virginia to determine which should exercise jurisdiction in the counties of Berkeley and Jefferson. He was a member of the Constitutional Convention which framed the present State Constitution, and in 1872 he was again elected to Congress, but declined reelection. He died November 1, 1884,

and was laid to rest in the family burying ground at Martinsburg.

GENERAL DAVID H. STROTHER was born at Martinsburg, Virginia, in 1816, and there he spent his boyhood. He was graduated from Washington College, Pennsylvania, and soon after went to Europe, spending two years as a student of art in Rome. Returning to America, he immediately began his literary work. He continued to contribute to *Harper's Magazine*, under the *nom de plume* of "Porte Crayon." A series of articles published in this periodical, entitled "Virginia Illustrated," attracted much attention. During the War of Secession he served on the staff of General Banks. When the war ended, the United States bestowed upon him the title of General, in gratitude for his services. During the administration of President Hayes he was Consul General to Mexico. While in that country he collected material for a work on the life and character of the Mexicans, and was engaged in compiling it at the time of his death. General Strother was twice married, his first wife being Miss Wolf, of Martinsburg, and the second Miss Mary E. Hunter, of Charlestown. He died at Charlestown, West Virginia, March 8, 1888.

RALEIGH T. COLSTON, Lieutenant-Colonel of the 2d Virginia Infantry, Confederate Army, resided at Honeywood, in this county. He was born in Richmond, Virginia, February 18, 1834. His mother, S. Jane, was the daughter of Judge William Brockenbrough, of the Virginia Court of Appeals. His father, Colonel Edward Colston, was the son of Raleigh Colston and Elizabeth Marshall Colston, the sister of Chief Justice Marshall. The subject of this sketch entered the Virginia

Military Institute in the summer of 1850, but in the following year was called home by the death of his father, and then remained engaged in the management of the family estate. Soon after Brown's attempted insurrection at Harper's Ferry a military company was organized in this county, of which young Colston became captain; and when it became apparent that civil war was inevitable, the company rendezvoused at Hedgesville, and thence marched to Harper's Ferry, where it was enrolled as Company "E," 2d Virginia Infantry, then commanded by Colonel Thomas J. Jackson. From that time until his death his fortune was that of the famous "Stonewall Brigade." On the morning of November 27, 1863, while leading his regiment—of which he was Lieutenant-Colonel—into action, his leg was shattered by a ball and he was taken to the rear, where the wounded limb was amputated. He was then taken to Gordonsville, where, at the home of a relative, John B. Minor, he soon died from the effects of an attack of pneumonia, brought on by exposure to cold and rain after he received his wound.

GEORGE N. HAMMOND, captain of Company "B," 1st Virginia Confederate Cavalry, and a son of Dr. Allen C. Hammond, was a native of this county, having been born at the village of Georgetown, June 8, 1833. He entered the Virginia Military Institute, where he became a favorite pupil of Stonewall Jackson, and was graduated therefrom with high honors. On the morning of October 17, 1859, the intelligence of the occupation of Harper's Ferry by a band of insurgents reached Martinsburg. Alarm bells were rung, and soon a body of hastily-collected men were on the march to the point of danger. One of them was George N.

Hammond, who was stricken down, severely wounded, by a rifle-ball discharged from the engine house, the last retreat of the invaders. Recovering, he entered the company of Captain Hoge, which was, with the regiment of which it was a part, attached to the command of General J. E. B. Stewart, and with it served until he fell mortally wounded on the field at Yellow Tavern. From here he was conveyed to Richmond, where he died May 16, 1864. His remains are entombed beneath the shades of Hollywood Cemetery.

MONONGALIA.

In 1776, the first Assembly of the newly-declared Commonwealth of Virginia met in the old State House at Williamsburg. In October they passed an act dividing the District of West Augusta into three distinct counties—Monongalia, Ohio and Youghiogheny. The boundaries of Monongalia were thus defined: "All that part of the said district lying to the northward of the county of Augusta, to the westward of the meridian of the fountain of the Potowmack, to the southward of the county of Yohogania and to the eastward of the county of Ohio, shall be one other distinct county, and shall be called and known by the name of Monongalia." Thus Monongalia was one of the first three counties created in the New Republic. The name was received from the river Monongahela, which in the Indian language signifies "River of caving or crumbling banks."

The act creating the county further provided "that it shall and may be lawful for the landholders of said county qualified to vote in the General Assembly to meet at the house of Jonathan Cobun, in the said county, on the 8th of December following, then and there to choose the most convenient place for holding courts for the county in the future." In 1796 the records of Monongalia county were burned, and we have no means of ascertaining whether such an election was held. We may infer that it was, as thereafter the courts were regularly convened at the plantation of Theophilus Phillips, near where New Geneva, Fayette county, Pennsylvania, now is, the last-named county at that time being a part of Monongalia. Nor

can it be stated with certainty who were the first sheriff and clerk of the county. In Monongalia, tradition names Captain John Dent as the first sheriff and Colonel John Evans as the first county clerk, while a Fayette county tradition makes Joseph Coombs the first clerk.

Morgantown.—In October, 1785, the General Assembly enacted "That fifty acres of land, the property of Zackquell Morgan, lying in the county of Monongalia, shall be, and they are hereby, vested in Samuel Hanway, John Evans, David Scott, Michael Kerns and James Daugherty, gentlemen, trustees, to be by them laid out in lots, which shall be, and the same are hereby, established a town, by the name of Morgantown." Purchasers of lots were required to build upon them within four years. In December, 1789, the time was extended three years, because of Indian hostilities. Five years more were granted in 1792, as it was found difficult to procure material. An Act of the Assembly passed February 3, 1810, empowered the freeholders of Morgantown to elect "five fit and able men to be trustees thereof." Morgantown was incorporated by act of February 3, 1858, as the "Borough of Morgantown," the same act providing that seven trustees should be elected annually. March 20, 1860, the charter was amended so as to provide for the election of a mayor, sergeant, five councilmen and a recorder.

THE DECKERS were the first white men who visited the site of Morgantown. Withers, in his "Border Warfare," records that in the fall of 1758 Thomas Decker and some others commenced a settlement on the Monongahela at the mouth of what is now Decker's creek. In the ensuing spring it was entirely broken up by a party of Delawares and Mingoës, and most

of the settlers murdered. The same authority records that one of those who escaped fled to Redstone Fort — now Brownstown, Pennsylvania — to report the dreadful fate of the settlement. The garrison was too weak to attempt a pursuit, but the commander immediately dispatched a messenger to Fort Pitt. Captain John Gibson at once left that place with thirty men, but the savages had made good their escape. The first permanent settlers at Morgantown, who were also the first within the present limits of the county, came in 1768. Among the number were David and Zackquell Morgan.

David Morgan's Encounter with two Indians is a record of personal heroism exhibited by an aged man. In the spring of 1779, the settlements along the upper Monongahela were comparatively free from Indian attack. Yet the families who the previous autumn had taken refuge in the forts did not venture to return to their cabins. Among those who had sought safety in Prickett's Fort—about twelve miles above the present site of Morgantown—was David Morgan, a bold frontiersman and a near relative to General Morgan, of Revolutionary fame. At the time of which we write he was more than sixty years of age. Early in April, feeling somewhat indisposed, he sent two of his children, Stephen and Sarah, to feed the stock on his farm, a mile distant. Becoming uneasy at their long absence, he went in search of them. He found them engaged in clearing a patch for melons, and seated himself on a log to wait for them. He had been there but a short time when he saw two Indians come out of his house and walk rapidly toward the children. Not wishing to frighten them he called to them to go quickly to the

fort; and himself answered the whoop with which the Indians started in pursuit. The Indians at once turned on him. He first tried to escape by running, but soon found the fleet warriors gaining on him. He then turned to fire at them. All three sought trees. One Indian, to gain a nearer position to Morgan, threw himself behind a log, which only partially concealed him. Morgan at once shot him, and again tried to escape. Running a short distance, he looked back and saw the other Indian ready to fire. This timely glance saved his life. He jumped aside and avoided the missile. The conflict was now hand to hand. The savage, with a demoniac yell, threw himself on his intended victim. Morgan threw the Indian, but the latter, younger and more active, turned him, and holding him down, reached for his knife. He grasped it close to the blade, and Morgan seizing the handle drew it through his hand, and thrust it into his enemy's side. The Indian sank on the ground, and Morgan fled to the fort.

Indian Incursion on Cobun's Creek.—During the summer of 1778, a body of savage warriors made their appearance on Cobun's creek "and were making their way," says Withers, "as has generally been supposed, to a fort not far from Morgantown, when they fell in with a party of whites returning from the labors of the cornfield, and then about a mile from Cobun's Fort. The Indians had placed themselves upon each side of the road leading to the fort, and, from their covert, fired upon the whites before they were aware of danger. John Woodfin, being on horseback, had his thigh broken by a ball which killed his horse, and enabled them to catch him easily. Jacob Miller was shot and

soon overtaken, tomahawked and scalped. The others escaped to the fort."

Indians near Statler's Fort.—About the year 1779, the Indians made their appearance near Statler's Fort, on Dunkard creek. The following account of their dread work is subjoined from Withers' "Border Warfare":—

"The Indians lay in ambush on the roadside, awaiting the return of men who were engaged at work in some neighboring fields. Toward evening the men came on, carrying with them some hogs which they had killed for the use of the fort people, and on approaching where the Indians lay concealed were fired on, and several fell. Those who escaped injury from the first fire returned the volley, and a severe action ensued. But so many of the whites had been killed before the savages exposed themselves to view, that the remainder were unable long to sustain the unequal contest. Overpowered by numbers, the few who were still unhurt fled precipitately to the fort, leaving eighteen of their companions dead in the road. These were scalped and mangled by the Indians in a most shocking manner, and lay some time before the men in the fort, assured of the departure of the enemy, went out and buried them."

Attack on Martin's Fort.—In June, 1779, a party of Indians surprised the inmates of Martin's Fort, on Crooked Run. We again quote from "Border Warfare":—

"The greater part of the men having gone forth early to their farms, the women were engaged in milking the cows outside the gate, and the men who had been left behind were loitering around. The Indians, who were lying around the fort, rushed forward and

killed or made prisoners of ten of them. Instead of retreating with their prisoners, they remained at a little distance from the fort until night, when they put the prisoners, under the custody of two of the savages, in an old house near, and the remaining eleven went to see if they could force an entrance at the gate. The dogs were shut out at night, and the approach of the Indians exciting them to bark freely, gave the inmates notice of the impending danger in time for them to avert it. The savages returned to the house in which the prisoners were confined and moved off with them to their towns."

Murder of Fannie and Phebe Scott.—The father of these girls lived at the mouth of Pike Run. One day in August, 1779, the two daughters started for the meadows, near the site of Granville, to carry dinner to laborers there. The father was to accompany them, but being detained, the girls proceeded alone. Soon Captain Scott heard the report of a gun. Crossing the river in all haste, and following the direction of the sound, he ran rapidly up the path toward the meadows and found the body of his murdered daughter Phebe. Fannie was missing. The father supposing she was a prisoner, set out at once for Fort Pitt, and engaged a friendly Indian to find out her whereabouts and ransom her. Before his return, the neighbors had found the girl. Her body being too much decayed to be removed, she was buried where she died.

The State University is located at Morgantown. In 1867, the Legislature passed an Act providing for the establishment of a State Agricultural College. Several locations, among them Harisville, Frankford, Bethany, Point Pleasant and Morgantown were considered, and

the institution finally located at the latter place. The school was at once established, and by Act of the Legislature, passed December 4, 1868, the name was changed to that of the "West Virginia University."

WAITMAN T. WILLEY, one of the first United States Senators from West Virginia, was born near the present site of Farmington, now in Marion county, but then in Monongalia, October 11, 1811. In 1823 he removed with his father to a farm on the Monongahela, opposite the present site of Rivesville. In 1827, when in his seventeenth year, he entered Madison College, at Uniontown, Pennsylvania, where he graduated in 1831. A year later he began the study of law in the office of Philip Doddridge, in Wellsburg, Brooke county, and after the death of his preceptor the same year, he completed his studies in the office of John C. Campbell, at the same place. In 1833, he was admitted to the bar at Morgantown, where he began the practice of his profession. He was an elector on the Harrison and Tyler ticket in 1840, at which time he canvassed a large portion of Virginia and Southern Pennsylvania. In 1841, he was elected clerk of the County Court of Monongalia, and at the same time was appointed to fill a vacancy in the Clerk's office of the Circuit Superior Court, both of which he held until 1852, when he was a candidate for re-election but was defeated by a small majority. In the Constitutional Convention of 1850, he was one of the delegates representing the counties of Monongalia, Preston, Marion and Taylor, in which body he distinguished himself as a ready debater. In 1859, he was a candidate for Lieutenant-Governor on the Whig ticket, at the head of which was William L. Goggin, who was, however, defeated by his competitor, Henry A. Wise.

In the Richmond Convention of 1861, which passed the ordinance of Secession, Mr. Willey occupied a seat, having been chosen without opposition to represent the people of Monongalia county therein. His last vote in that body was in opposition to the Ordinance, and on the 21st of April, having obtained a permit from Governor Letcher to leave the city, he began the journey home. At Alexandria, he was stopped, and not allowed to proceed to Washington. Retracing his course, he proceeded by way of Manassas Junction, thence over the Blue Ridge to Winchester, and from there to Harper's Ferry, where he saw the Government buildings a mass of smoking ruins. Here he was detained some time under military surveillance, but was at length allowed to proceed to Morgantown. He was a member of the first and second Wheeling Conventions, and in July, 1861, was elected by the Assembly under the Restored Government, to a seat in the United States Senate, and on the 4th of August, 1863, was chosen to the same position by the first Legislature of West Virginia. Proceeding to Washington with his colleague, Peter G. Van Winkle, he, by lot, drew the short term of two years, but on the 31st of January, 1865, the Legislature re-elected him for the term of six years. He was a member of the convention of 1872, which framed the present Constitution of the State, in which body he represented Monongalia county. Mr. Willey, in addition to his political life, has been widely known in the lecture field and in literature, one of his most important productions being "The Life of Philip Doddridge," published in 1875.

OHIO.

The present area of the county of Ohio is 120 square miles. It was formed from the District of West Augusta, by Act of the Assembly passed October, 1776. The original boundaries were as follows: "Beginning at the mouth of Cross creek; thence up the same to the head thereof; thence southeastwardly to the nearest part of the ridge which divides the waters of the Ohio from those of the Monongahela; thence along said ridge to the line which divides the county of Augusta from the said District; thence with the said boundary to the Ohio; thence up the same to the beginning." The Act provided that the landholders should meet at the house of Ezekiel Dewit to choose the most convenient place for holding courts. Such a meeting was held December 8th, 1776.

When the Legislature of Virginia, on the 8th of October, 1785, ratified the report of the surveyors who extended Mason and Dixon's Line, Virginia lost nearly the entire area of Youghiogheny county and the remainder was annexed to Ohio county.

The first Court for the county convened January 16th, 1777, at Black's cabin, on the waters of Short creek, at or near where West Liberty now stands. The Justices were Silas Hedges, William Scott, David Shepherd, Zacharias Sprigg, Thomas Wallen and David McClain. David Shepherd was recommended to "His Honor the Governor" as County Lieutenant; Silas Hedges as Colonel, and David McClure as Major of Militia. The first attorneys who were licensed to practice in the courts of Ohio county were Philip Pendleton and George Brent. In 1797, Wheeling

became the county seat. The first court here was held at the house of John Gooding, and convened May 7th, 1797.

West Liberty was established by legislative enactment November 29th, 1787, on lands of Reuben Foreman and Providence Mounce, with Moses Chaplaine, Zachariah Sprigg, George McCulloch, Charles Wills, Van Swearingen, James Mitchell and Benjamin Biggs, trustees. A branch of the West Virginia State Normal School was established at West Liberty, March 1st, 1870.

Wheeling was first laid out in town lots by Colonel Ebenezer Zane, in 1793. By Act of Assembly, passed December 25th, 1795, it was established a town, with the following trustees: John M'Intyer, Andrew Woods, Henry Smith, Archibald Woods, James Nelson, Robert Woods, Absalom Martin and William Waddle. December 28th, 1803, new trustees were appointed, as follows: George Knox, William Irvine, Thomas Evans, John Kerr, William McConnell, Joseph Colwell, John White and Frederick Beimer. The town was incorporated January 16th, 1806, when it was made lawful for the freeholders of the town "to nominate and elect by ballot twelve fit and able men being freeholders and inhabitants of the town to serve as Mayor, Recorder, Aldermen, and Common Councilmen for the same." On the 17th of March, 1806, a meeting of the freeholders was held, when Mordecai Yarnall, Moses Shepherd and George Miller were appointed to receive votes. The following were elected by ballot: Noah Linsley, George Miller, William Irvine, Dennis Capat, William McConnell, John Carr, Joseph Caldwell, Charles Hammond, Frederick Beimer, John White,

James Ralson and William Perrine. These met March 22d, 1806, to elect from their number, in pursuance of the Act of March 17th, a Mayor, Recorder, and four Aldermen. George Miller was elected Mayor; Charles Hammond, Recorder; Dennis Capat, William Irwin, James Caldwell and John Carr, Aldermen. The officials appointed George Pannell, Town Sergeant. By an Act of March 11th, 1836, the town of Wheeling was incorporated into the city of Wheeling. Richard Simms, James S. Wheat, Thomas Sweeney, William T. Selby, John Eoff, Moses W. Chapline, Charles D. Knox, David Zane, Z. Jacobs, Dana Hubbard, and John Richie were elected to constitute the Board of Commissioners.

A diversity of opinion has existed relative to the origin of the word "Wheeling," and several theories have been advanced to account for the same. The following, subjoined from Howe's "Historical Collections," appears to be the most probable:—

"It is stated in a communication to the *American Pioneer* by Mr. John White, that Wheeling was originally called *Weeling*, which signifies "the Place of a Head." The following tradition explanatory of this was obtained from Mr. John Brittle, who was taken prisoner by the Delawares, lived with them five years and acquired their language: "In the earliest period of the settlement of Pennsylvania, some white settlers descended the Ohio river in a boat, and stopping at the mouth of Wheeling creek, were killed by the Delawares. The savages cut off the head of one of their victims, and placing it on a pole, with the face toward the river, called the place *Weeling*. The Indians informed Mr. Brittle that the head was placed

there to guard the river; I presume to guard the camp from the incursions of the whites. Mr. Brittle said that if an Indian were asked, after shooting a deer or a bear, where he had hit the animal, his answer—if in the head—would be, 'Weeling.'"

When Wheeling was first settled (see *ante* p. 221.) Indian warfare raged along the border. The stockade was the only place of safety. Very early one arose at Wheeling, and in the annals of border warfare no braver deed is recorded than the defense of this Fort Henry against an attack by a band of savages, when the assailants numbered more than thirty times the assailed. (See account of the siege of Fort Henry, Chapter XI., Part I.)

The Grice Family Massacre.—In 1775, Colonel Shepherd erected a fort at the forks of Wheeling creek. Among the families finding refuge here was one named Grice. After the attack on Fort Henry, in 1777, it was determined to abandon the place. Grice decided to return with his family to their improvement, some two miles distant. Near the mouth of Peter's run, the family was attacked by Indians, who killed, as they supposed, all except one boy, who was carried away captive. When the victims were found, Rachel, a girl of eleven years, was alive. She always insisted that the man who scalped her had light hair and blue eyes.

Attack on Link's Block House.—In 1780, Jonathan Link erected a block house on Middle Wheeling creek, near the present site of Triadelphia. In the fall of 1781, this rude structure was attacked by a party of fifteen or twenty Indians. Link and two of his men were killed and several were made prisoners. Among

the latter was William Hawkins, who promised the Indians to direct them to his cabin if they would spare his life. When approaching the cabin, he spoke to the Indians in loud tones, so as to give his family time to conceal themselves. This they did, but one daughter was discovered and marched away captive. After proceeding a few miles, Hawkins and Presley Peak—also a prisoner—were tied to trees and tomahawked.

Thomas Mills' Escape.—July 30, 1783. Thomas Mills started on a fishing excursion from Wheeling, in company with Henry Smith and Hambleton Kerr. The last-named was one of the most efficient of Indian scouts. His father having been killed by the Indians, the son swore vengeance on the race, and no Indian was safe who crossed his path. When the fishing party were near Glenn's run, they were fired upon by Indians. Smith was killed instantly, and Mills wounded by fourteen bullets. Kerr was unhurt, and as rapidly as he could rowed the canoe back to Wheeling. Mills recovered, and afterward located in Ohio, near Shade river.

John Wetzel and Frederick Erlewyne, in the spring of 1785, were captured by Indians. The boys had left Shepherd's Fort to look for the horses. John, attempting to escape, was shot through the wrist. His companion, refusing to go with the Indians, was instantly killed. The Indians, retreating with their captive, came to the river near the mouth of Grave creek. The settlers from this place, having taken refuge in the fort at Wheeling, had sent three of their number to look after the cattle at the deserted settlement. On arriving, they found the Indians engaged in shooting

their hogs. They attacked the savages, killed three of their number and rescued John Wetzel.

The Becham Murder.—A family named Becham settled on Little Wheeling creek in 1783. A few years later, probably in 1787, two sons of the household went one October day in search of the horses. A small party of Indians were on the watch. They caught the horses, and when the boys approached made them prisoners and made for the Ohio at Grave creek. Four miles from the river they encamped. During the night they tomahawked and scalped the boys and left them. In their haste their work of death was not complete, neither of the boys being killed. Thomas, the eldest, started for help. Arriving at Grave Creek Flats he was kindly cared for and a party despatched to search for his brother. But before aid reached him the savages had returned and completed their murderous work.

The Purdy Family.—James Purdy was an industrious and worthy settler in the vicinity of Wheeling. One night, in 1790, four Indians stepped into his cabin and began their work of destruction on the defenseless family. Mrs. Purdy was knocked down with a war club but afterwards recovered. Purdy and two children were left dead, while two daughters were carried across the Ohio to spend ten years in captivity.

The Jolly Family.—Another of those atrocious Indian murders was perpetrated in the vicinity of Wheeling, June 8, 1792. The victims were the wife and children of Daniel Jolly, who was himself absent from home. No one in the house escaped. One son, who was taken prisoner, was recovered by the father after seven years.

GREENBRIER.

Greenbrier, Rockbridge and Rockingham counties were the children of the Revolution, born when the Briton was ravaging the colonies, and when the shores of Virginia were resounding to the tread of her armed oppressor, and her bays and inlets were echoing the thunders of British cannon. The bill providing for the formation of these counties passed the General Assembly of Virginia, October, 1777—second year of the Commonwealth. The section relating to the organization of Greenbrier is as follows:—

And be it further enacted, "That from and after the first day of March, the said county and parish of Botetourt shall be divided by a line beginning on the top of the ridge which divides the eastern from the western waters, where the line between Augusta and Botetourt crosses the same, and running thence the same course, continuing north fifty-five degrees west to the Ohio; thence beginning at the said ridge, at the said lines of Botetourt and Augusta, running along the top of the said ridge, passing the Sweet Springs to the top of Peters Mountain; thence along the same mountain to the line of Montgomery county; thence along the same mountain to the Kanawha or New river; thence down the said river to the Ohio. And all that part of the counties of Montgomery and Botetourt between and to the westward of the said lines shall be one distinct county and parish to be called and known by the name of Greenbrier."

Another section, providing for the time and place of holding the county courts, fixed for Greenbrier the

third Tuesday of each month as the time, and the house of John Stuart as the place.

Just when the first court in the county was held is not known. The earliest record in the clerk's office is for the November term of 1780, at which time the following justices were present: Samuel Brown, John Anderson, William Hutchison, John Henderson and William Poage. The first entry in the records for the term says that John Archer "came into court, and with the consent of the said court, resigned his office as clerk; whereupon John Stuart was unanimously elected to act in that office, and thereupon took the oaths as prescribed by law." This entry shows conclusively that the court had been organized prior to the above date, but of that organization no record is extant. At this time Andrew Donnally was high sheriff, and John Rodgers and John Williams were his deputies.

Pioneer Settlers.—In the year 1769 Robert McClanachan, Thomas and William Renick located near where the town of Frankford now stands. Captain McClanachan, afterwards killed at the battle of Point Pleasant, settled on the north side of Greenbrier river, midway between Frankford and Falling Spring, but soon sold his land to Major William Renick, by whose descendants it is still owned. His wife was Catharine Madison, a cousin of James Madison, fourth president of the United States. After his death she married Captain William Arbuckle, spent several years in Fort Randolph, at Point Pleasant, and afterward lived and died on the banks of the Kanawha, on what is now known as Craig farm, four miles below the town of Buffalo.

In 1769, Thomas Williams settled about two miles south of Williamsburg, on what has since been known as the Glendi farm. The same year William McCoy built his cabin near where Williamsburg now stands, and William Hughart reared his three miles southwest of the present town. In 1770, James Jordon settled on lands adjoining Hughart's. In 1771, John Patton settled at the foot of Hughart's mountain, and William Blake on Culbertson's creek. About the year 1772, Samuel McKinney located on Muddy creek, near where the Clendenins were murdered, nine years before. His first neighbor was David Keeney, from whom Keeney's Knob takes its name.

In 1773, William McClung settled on the banks of Big Clear creek. When he reared his cabin there was not a store or mill within a hundred miles of his lonely habitation. He patented a large tract of land on Meadow river, and here, December 20, 1777, was born William McClung, son of William and Abigail, his wife. He was the first white child born on Meadow river. Captain McClung was soon joined by his brothers, John and Edward. The first settlement within the limits of Anthony District was made in 1774, by a man named Hatfield. In the same year Andrew Donnally settled on land ten miles northwest of Lewisburg; here remain the ruins of old Fort Donnally. In 1775, Uriah Jenkins, Frank Ford and John McFerrin settled in the vicinity. In 1776, came William Cavendish, who afterward became the first clerk of Kanawha county. About the same time, came Alexander Ockeltree and James Burns, both of whom were killed at Donnally's Fort. Anthony Rader added his cabin to the settlement in

1778. In 1780, the number of settlers was increased by the arrival of James Kincaid, John Gregory, George Mollahan and Charles Hyde.

In 1778, Erwin Williams, James Crawford, David McClure and John McDowell settled near the centre of what is now Irish Corner District. In 1781, they were joined by John Gardner, in 1785, by Samuel Williams, Robert Knox and David Williams, and in 1786, by Samuel Lewis.

Attack on Donnally's Fort.—In May, 1778, a body of about two hundred Indians, determined to avenge the death of their chieftain, Cornstalk, began a siege of Fort Randolph, at Point Pleasant, then garrisoned by a detachment of Virginia troops, commanded by Lieutenant McKee. A determined resistance was continued for a week, at the end of which time the siege was raised, and the Indians, instead of returning north of the Ohio, proceeded up the Kanawha.

Lieutenant McKee, believing their object to be the destruction of the Greenbrier settlement, dispatched two men to notify the settlement of the advance of the Indians. After following them several days they became frightened and returned to Point Pleasant. Captain McKee then formed his men in line and asked if there were any two among them, who would volunteer to go to the Greenbrier country and warn the people of their danger. John Prior and Philip Hammond stepped from the ranks and replied "We will."

The Grenadier Squaw, a sister of Cornstalk, but a friend of the whites, painted them as savages, and though the Indians were far in advance, still by traveling night and day, they were enabled to overtake them, and came upon their camp at the mouth of Big Clear

creek, only twenty miles from Fort Donnally. Not knowing whether the Indians had attacked the settlement, one of them climbed a pine tree to ascertain from their movements something of their intentions. The Indians were preparing for a massacre.

Prior and Hammond immediately started for the settlement to warn the people of their danger. The following men, with their families, were in the fort at the time of the attack: Colonel Andrew Donnally, Captain Jack Williams, Richard Williams, William Blake, William Hughart, — Hughart, Sr., John McFerrin, William McCoy, Sr., William McCoy, Jr., Henry Hedrick, James Jordon, Thomas George, William Hamilton, James Graham, William Strickland, — Griffin, Philip Hammond, John Pryor, Dick Pointer (colored), and William Pritchart. Alexander Ockel-tree and James Burns were killed as they approached the fort.

William Pritchart, an Irish servant of Colonel Donnally, in the morning, just before daylight, went across the run to an old tan-trough, either to wash or get some kindling, and was there tomahawked. No one knew of his going out, therefore his absence created no alarm, but he had left the stockade gate open.

The evening before the battle the Indians came to the top of Brushy Ridge, at a point called Bald Knob, one mile from the fort. In the morning they left the ridge and came down to the creek, about a quarter of a mile from the fort, which they followed to where it crosses the road, only a hundred yards from the fort, and knowing the stockade gate to be open, made a sudden rush for the fort. William Hughart, who was standing at the door, saw the Indians, and instead of

firing his gun to give the alarm, drawled out in his peculiar style, "Y-o-n-d-e-r t-h-e-y c-o-m-e," and pushed the door shut.

The Indians made a rush for the door and began to cut it down with their tomahawks. They could open it only partially, on account of a hogshead of water placed behind it. Hammond was soon on his feet. Dick Pointer had seized an old musket heavily loaded with swan shot, and was jumping about the floor, calling to Hammond, "What must I do?" Hammond said, "D—n you, shoot!" "Where, massa?" said Dick. "At the bunch," replied Hammond. At this the Indians had partly forced the door open. Hammond cut the first down with his tomahawk, and Dick fired, mowing a swathe to the stockade gate, the recoil of the gun knocking him over. This awakened the people above, and springing from their beds, they grasped their rifles and opened a galling fire, which drove the Indians outside the stockade.

Before they retired some of the Indians succeeded in getting under the floor and attempted to set fire to the building. The striking of the flint and steel attracted attention, and when they tried to raise the floor the inmates helped them, and every Indian under the floor was killed.

The Indians continued the battle, using every conceivable method to capture the fort. By climbing a tree one of the savages was enabled to glance a bullet so that it struck William Blake on the forehead, inflicting a scalp wound. But the Indian paid dearly for his folly, for soon after a ball from the gun of Captain John Williams went through his brains. The whites were scarce of ammunition, and were constantly warn-

ing each other in the use of it. An Indian, who had succeeded in getting within the stockade and climbed the corner of the fort, began mocking them by crying out "Load 'em well, shoot 'em sure, ammunition scarce." Richard Williams dug a hole through the mortar and shot him through the body. Letting go his hold, he swung round and fell into a soap trough. At the same time another Indian had gotten under the floor. A kettle of boiling water or soap frightened him out, and a ball from Hammond's gun killed him as he was attempting to climb the stockade fence.

The loss on the part of the whites was four men killed and two wounded—Pritchard at the tan trough, Alexander Ockeltree and James Burns, who were on their way to the fort, and James Graham within the Fort. William Blake was wounded in the head and William Hamilton in the finger. Burns fell dead when shot. Ockeltree ran about three hundred yards, and fell pierced by seven bullets.

The news was carried to Fort Savanna, now Lewisburg, by a scout sent out for the purpose by Captain John Stuart. He and Colonel Samuel Lewis, accompanied by sixty-six men, started for the fort about noon. They went by the way of what is now Livesay's Mill, up the creek, then westward to Rader's creek, then through a rye field to the fort, arriving about four P.M. When they approached, they thought the Indians had withdrawn, as the firing had ceased, but seeing an Indian behind a tree, Captain Stuart and Charles Gatliff fired, and the savage fell dead. Then with butts of guns foremost, they made a rush for the fort. The inmates at first supposed it to be another charge of the Indians, but soon discovering their mistake, threw open the

doors. Although the Indians opened fire upon Captain Stuart and his men, and many of them had their clothes pierced by bullets, not one of them was injured. The Indians continued firing slowly from an old barn two hundred yards northwest of the fort, and at dark withdrew. Just before dark, an old Indian approached the fort and said they wanted peace, but the whites could not induce him to enter. They carried away all their dead accessible to them, but seventeen were left within the stockade fence. These Dick Pointer buried next day, about thirty yards south from the fort. He dragged them to the place with a horse, using a chain, the hook of which was placed in their mouths. Where the remainder of them were buried was never known.

The engagement, except for the cry of Hughart, would have been a complete surprise. The whites fought as they came from their beds, and many of the women, in similar attire, moulded bullets.

The fort was a single log-house, two stories high, and a kitchen one a half stories high, with a passageway of eight feet between them. The stockade was eight feet in height, made of split logs. The fort stood on the east side of Rader's creek, ten miles northwest from Lewisburg.

Dick Pointer was granted his freedom for his work on the day of the battle. John Davis gave him a life lease to a piece of land, on which the people built him a cabin. There Dick eked out a kind of life, and at his death they buried him with the honors of war in Lewisburg cemetery—fulfilling the saying "Man's good deeds are never known through life, but they live after death."

Dick was a large, powerful man, very black, and in the latter part of his life became very dissipated. No monument marks his resting-place, but one should be erected over the grave of him who saved more than seventy human beings—most of them women and children—from the tomahawk and scalping-knife of the savage.

A remarkable incident of the day was the birth of a male child, who grew to manhood, and, from his great size, was known far and wide as Big Joe Hughart.

The Last Indian Incursion.—After the signal defeat at Donnally's Fort, the Indians made but two more incursions into the Greenbrier country, and these in small parties. In the first they came to Muddy creek, and there wounded Captain Samuel McClung and killed Mr. Munday and his wife. In the second they visited the same place, and Thomas Griffith, the last victim of savage butchery in Greenbrier county, was killed. His son was carried away prisoner, but while descending the Great Kanawha, they were pursued and overtaken by a body of whites. One Indian was killed and the boy released and returned to his friends. Thus ended the period of savage atrocity in Greenbrier county in the year 1780.

Lewisburg is situated on the old James river and Kanawha turnpike, two hundred and fourteen miles west of Richmond, and two hundred and sixty-three miles from Washington. Its beginning was the erection of old Fort Union in 1774, which continued to stand until the storm of Indian warfare had spent its force and died away. When the savages no more visited the beautiful savanna on which it stood, then its walls were permitted to crumble to dust, and the old

pioneers which it had sheltered for many years went forth, not with the rifle, but with the axe, to reclaim from the wilderness what their valor had won from the sway of the barbarian, and how well they succeeded in this conquest let their posterity who now enjoy its fruits answer.

In October, 1792, the General Assembly enacted: "That forty acres of land whereon the courthouse of the county of Greenbrier now stands, be and the same is hereby vested in Samuel Lewis, James Reid, Samuel Brown, Andrew Donnally, John Stuart, Archer Mathew, William Ward and Thomas Edgar, gentlemen, trustees, to be by them, or any five of them, laid out into lots of half an acre each, which shall be and the same is hereby established a town by the name of Lewisburg." Another section of the bill declared it to be unlawful to build a house less than 18 x 20 feet, and, in addition, it must "have a brick or stone chimney."

THE LEWISBURG PRESBYTERIAN CHURCH.

This is the oldest church organization on the western waters of the Virginias. It was formed in 1783 by Rev. John McCue. He continued as pastor of the Church five or six years, when he returned to the east and was succeeded in the pastorate by the Rev. Benjamin Grigsby, who remained until the coming of Dr. John McElheny, in 1808. Then began one of the longest pastorates recorded in Church history. He served the congregation until his death in 1871, a period of sixty-three years. Because of his age, Rev. J. C. Barr was called in 1859 to assist him, and remained until 1869, when Rev. M. L. Lacy became the assistant. After the death of Dr. McElheny, he

became the pastor and continued as such until 1882, when his ill health compelled him to resign his charge and he was succeeded by Rev. J. C. Rosebro.

Soon after the organization of the church a log building was erected, and in this it continued to worship until 1796, when the present "Old Stone Church" was completed. It is built of irregular blocks of blue limestone, and is of Gothic architecture. It is the oldest Church edifice in the Greenbrier country. As the worshiper enters the vestibule he may read, on a slab just over the door, the following inscription:—

THIS BUILDING WAS ERECTED
IN THE YEAR 1796,
AT THE EXPENSE
OF A FEW OF
THE FIRST INHABITANTS OF THIS LAND,
TO COMMEMORATE
THEIR AFFECTION AND ESTEEM FOR THE
GOSPEL
OF JESUS CHRIST.
READER,
IF YOU ARE INCLINED TO APPLAUD
THEIR VIRTUE,
GIVE GOD THE GLORY.

THE BAPTIST CHURCH OF GREENBRIER.

The first Baptist preacher west of the Alleghenies was the Rev. John Alderson, in honor of whom Alderson, in the county of Monroe, was named. He was pastor of the Lynnvile Baptist Church, in Rockingham county, then far out on the frontier. But no sooner did the settlements in the west assume the appearance of permanency than he carried the glad tidings to them. Between the years 1775 and 1777, Mr. Alderson made no less than three visits to Greenbrier, then a wild, uncultivated and almost uninhabited country, and while

on these visits baptized three persons, two of whom were John Griffith and Mrs. Keeney. These were the first persons ever immersed in the western waters of Virginia.

Mr. Alderson now determined to remove to the west, and accordingly, early in the year 1777, set out with his family. On reaching Jackson's river he learned that a few days before, the Indians had attacked the house of Colonel James Graham, in Greenbrier, and had killed one member of his family and carried another into captivity; in consequence of this information he halted for some months, but reached his destination in October. His first location was in Jarrett's Fort, on Wolf creek, now in Monroe, but after a short time he settled on the bank of the Greenbrier river, where Alderson now stands, and cleared a farm on which he afterwards followed the plow with his gun swung to his shoulder. In going from fort to fort to fulfill his engagements, he was often guarded by a body of armed men. In two years he succeeded in collecting twelve members, himself and wife included. They considered themselves a branch of the Lynnvile church, but transacted business as a separate body. On the 24th of October they were regularly constituted into a working body known as the "Greenbrier Baptist Church," and the following year it was admitted into the Ketoc-ton Association.

At this time the members were very much scattered over the country, some living twenty miles from the location of the church, and because of this, the regular church meetings were held in different localities. Occasionally such meetings were held at Second Creek Gap, in the big Levels near Lewisburg, and on New river.

Notwithstanding the members were dispersed over such a wide area, measures were taken to build a house of worship as early as 1783, and in May following the ground on which the Greenbrier church has since stood was fixed upon as a suitable location. In July of the following year, the building was so nearly completed that it was used for public worship. This was the first church building erected in Southwestern Virginia.

Accessions continued to be made, and in 1785, some of the members resided at Second Creek Gap, some on New river, some on Indian creek, others on the Big Levels, and one named Burr on Spring creek, a distance of thirty miles from the church building, and yet the records say *these members were in the habit of attending the regular church meetings*. Mr. Alderson continued his labors here seven years before he met with a single Baptist minister. In 1785, Rev. James Johnson came over the mountains and was induced to settle on the Kanawha. Here he continued his ministry until 1803, when he removed to Kentucky.

GREENBRIER LODGE, No. 49, A. F. AND A. M.,

Was chartered by the Grand Lodge of Virginia on the fifth day of December, A. D. 1796, A. M. 5796. James W. Williams, Archer Matthews and John G. Brown were the charter members. The first meeting was held April 1st, 1797, at which time the following officers were installed: James W. Williams, W. M.; Archer Matthews, S. W.; John G. Brown, J. W.; Dennis McGlauthlin, Sec.; Linna Mimms, Treas.; John D. Littlepage, S. D.; George McClung, J. D.; and James Johnson, Tyler. On the rolls appear the

names of many eminent men of Virginia. This is the parent lodge of Southwestern Virginia, and many are the members who have been dismissed to form the nucleus of other organizations.

Williamsburg was laid out in 1833, by Moses McCoy, and named in honor of Thomas Williams, the first settler.

Ronceverte was laid out in 1871, by Cecil Clay. It was incorporated in 1882, at which time A. E. White became first mayor.

White Sulphur Springs.—This is now the most celebrated watering-place in the Southern States, and among the most noted in the world. The land upon which it is situated was originally patented by Nathan Carpenter, who reared his cabin near the spring, and removed his family to it in the year 1774. Soon after his settlement his house was attacked by the Indians, and he and every member of his family murdered, except his wife Kate, who with her infant escaped to a high mountain. Here she remained concealed some time, then, with her infant—now the dearest object on earth—fled to the east, where she found her friends and related to them the sad story of the fate of her family in the wilds of West Augusta. It is said that from this child have sprung some of the wealthiest and most influential families of Staunton, and “Kate’s Mountain” will never cease to be an object of interest to those who visit the White Sulphur Springs.

The massacre of the Carpenters did not deter others from settling near the site of the bloody tragedy, and soon after came William Herndon the first to open the Springs as a public resort, he having leased the property from James Caldwell for a period of ten years.

Early in the history of the country, years before Mr. Carpenter came, explorers, hunters and trappers drank of the health-giving waters which flowed from this mysterious fountain, and related to their friends the story of what seemed to be the rival Fountain of Perpetual Youth. As early as 1772, a woman was brought here on a litter a distance of forty miles, whose disease had baffled the skill of the most eminent physicians in Virginia. A tree was felled and a trough made and filled with water, which was then heated by putting hot stones into it. In this the patient was bathed, at the same time drinking freely from the fountain. Strange to relate, at the termination of three weeks she was able to walk to her home. The fame of the cure attracted many invalids to the spring, and rude cabins soon began to be reared around it. But the dreariness of the mountains, the bad condition of the roads and the poor accommodations deterred all but the most desperate from attempting to reach the health-giving waters until 1818, when James Caldwell came into possession of the property, and from that time dates the history of the place as a national resort.

Nature has done everything possible to render it an enchanted spot. The valley opens about half a mile wide, and winding in length from east to west, finally passes away into the mountains beyond the view. On every hand is presented the grandest scenery. The elevated plateau, from which the spring pours forth its healing waters at a height of 2000 feet above the sea level, commands a lovely and extended view to the south and southwest, while to the east and west the whole horizon is fretted with mountains, the peaks of which glistening in the clear sunlight, seem to kiss the

skies. Kate's Mountain and the Greenbrier Range, with an elevation of 3500 feet above sea level, surround and shelter the valley, while the towering Alleghenies are seen five miles away to the north and east.

Art has done her part as well. Within a few rods of the spring stands the Grand Central Hotel, among the finest buildings of its kind in the south; beautiful walks and drives run in every direction separating one lawn from another. Long rows of dazzling white cottages stretch away on every side, contrasting beautifully with the verdant foliage of the lofty forest trees which overshadow them. At night brilliant jets of electric light flash all around, while strains of sweet music fill the air.

The fountain itself is crowned with a stately Doric dome, supported by twelve large pillars, the whole surmounted with a colossal statue of Hygeia, looking toward the rising sun.

MAJOR WILLIAM RENICK: His ancestors were among those who fled from persecution in Scotland, and James Renick was the last martyr who yielded up his life rather than renounce his allegiance to his chosen church. The family first settled in Pennsylvania, but soon removed to Augusta county, Virginia, and settled where Swope's depot, on the Chesapeake and Ohio Railway, now stands, and here, in 1745, William Renick was born. In 1757, the family was attacked by a band of Shawnee Indians; Robert, the father, was killed and the wife and children carried into captivity, where soon after their arrival at the Indian town, Mrs. Renick gave birth to a child in a wigwam on the site where Chillicothe, Ohio, now stands. William remained in captivity, then returned to Virginia, and as we have seen,

became one of the first settlers of the Greenbrier country.

Memorandum Written by Colonel John Stuart.—In the following mentioned year, Colonel John Stuart, then old and feeble, entered the office of, the County Clerk at Lewisburg, and in Deed Book No. 1, beginning on page 754, wrote the following.

“MEMORANDUM—1798, JULY 15TH.” (BY JOHN STUART).

“The inhabitants of every county and place are desirous to inquire after the first founders, and in order to gratify the curious or such who may hereafter incline to be informed of the origin of the settlements made in Greenbrier, I leave this memorandum for their satisfaction, being the only person at this time alive acquainted with the circumstances of its discovery and manner of settling. Born in Augusta county, and the particulars of this place often related to me from my childhood by the first adventurers, I can relate with certainty that our river was first discovered about the year 1749, by the white people. Some say Jacob Marlin was the first person who discovered it, others that a man of unsound mind, who's name I don't now remember, had wandered from Frederick county through the mountains, and on his return reported he had seen a river running westward, supposed to be Greenbrier river. However, Jacob Marlin and Stephen Suel were the first settlers at the mouth of Knap's creek, above what is now called the little levels on the lands still bearing the name of Marlins. These two men lived there in a kind of hermitage, having no families. But frequently differing in sentiment, which ended in rage, Marlin kept possession of the cabin,

whilst Suel took up his abode in the trunk of a large tree at a small distance, and thus living more independent, their animosity would abate and sociability ensued. Not long after they had made the settlement on the river, the county was explored by the late General Andrew Lewis, at that time, a noted and famous woodsman, on who's report, an order of Council was soon obtained, granting one hundred thousand acres of lands on Greenbrier to the Hon. John Robinson (Treasurer of Virginia), and others to the number of twelve, including old Col. John Lewis and his two sons, William and Charles, with conditions of settling the lands with inhabitants, and certain emoluments of three pounds per hundred acres to themselves. But the war breaking out between England and France in the year 1755, and the Indians being excited by the French to make war on the back inhabitants of Virginia, all who were then settled on the Greenbrier were obliged to retreat to the older settlements for safety, amongst whom was Jacob Marlin, but Suel fell a sacrifice to the enemy. This war ended in 1761, and then some people returned and settled in Greenbrier again, amongst whom was Archibald Clendenin, who's residence was on the lands now claimed by John Davis by virtue of an intermarriage with his daughter, and lying two miles west of Lewisburg,

"The Indians breaking out again in 1763, came up the Kanawha in a large body to the number of sixty, and coming to the house of Frederick See on Muddy creek, were kindly entertained by him and Felty Yolcom; not suspecting their hostile design, they were suddenly killed and their families with many others made prisoners; then proceeding over the mountain, they came to

Archibald Clendenin's, who like Yolkcom and See, entertained them until they put him to death, his family with a number of others living with him being made prisoners or killed, not any escaping except Conrad Yolkcom, who doubting the design of the Indians when they came to Clendenin's, took his horse and under the pretence of hobbling him at some distance from the house—soon after some guns were fired at the house and a loud cry raised by the people, whereupon, Yolkcom taking the alarm mounted his horse and rode off as far as where the Court House now stands, and there beginning to ruminate whether he might not be mistaken in his apprehensions, concluded to return and know the truth, but just as he came to the corner of Clendenin's fence some Indians placed there presented their guns and attempted to shoot him, but their guns missing fire (he thinks at least ten), he immediately fled to Jackson's river, alarming the people as he went, but few were willing to believe him. The Indians pursued after him, and all that fell in their way were killed until they went to Carr's creek, now in Rockbridge county. So much were people intimidated in them days by an attack of the Indians, that they suffered them to retreat with all their booty and more prisoners than there were Indians in their party. I will here relate a narrative of Archibald Clendenin's wife. Being a prisoner with her young child, as they were passing over Keeney's Knob from Muddy creek, a part of the Indians being in front with the Indians behind, the prisoners in the centre, Mrs. Clendenin handed her baby to another woman to carry, and she slipped to one side and hid herself in a bush, but the Indians soon missing her one of them observed that he would bring the cow to her calf,

and taking the child caused it to cry very loud. But the mother not appearing, he took the child and beat out its brains against a tree, then throwing it down in the road all the people and horses that were in the rear passed over it until it was torn to pieces. Many more cruelties were committed too hard to be related, too many to be contained in this memorandum. Thus was Greenbrier once more depopulated for six years, but a peace being concluded with the Indians in 1765, and the lands on the western waters with certain boundaries being purchased at a treaty at Fort Stanwix by Andrew Lewis and Thomas Walker, commissioners appointed by Government, the people again returned to settle in Greenbrier in 1769, and I, myself, was among the first of those adventurers, being at that time about nineteen years of age, with Robert McClenachan another very young man; our design was to secure lands, and encourage a settlement in the country. But the Indians breaking out again in 1774, Col. Andrew Lewis was ordered by the Earl of Dunmore (then Governor of Virginia), to march against them with fifteen hundred volunteer militia, which army marched from Camp Union (now Lewisburg) the 11th day of September, 1774, two companies of the said army being raised in Greenbrier and commanded by Captain Rob. McClenachan and myself. We were met by the Indians on the 10th day of October, at the mouth of the Kanawha, and a very obstinate engagement ensued. The Indians were defeated, though with a loss of seventy-five officers and soldiers; amongst the slain was Col. Charles Lewis, who commanded the Augusta militia, and my friend Capt. Robt. McClenachan. Col. Andrew Lewis pursued his victory, crossing the Ohio, until we

were in sight of some Indian towns on the waters of Sciota, where we were met by the Earl of Dunmore, who commanded an army in person and had made his route by way of Fort Pitt. The Governor capitulating with the Indians, Col. Lewis was ordered to retreat, and the next year hostilities commenced between the British and Americans at Boston in New England, and I have since been informed by Col. Lewis that the Earl of Dunmore (the king's Governor) knew of the attack to be made upon us by the Indians at the mouth of the Kanawha, and hoped our destruction. This secret was communicated to him by undisputable authority.

"Independence being declared by America the 4th of July, 1776, and the people assuming the reins of government, a county was granted to the people of Greenbrier, under the Commonwealth, in May, 1778, and a Court was first held at my house on the 3d Tuesday in said month. Not long after which we were invaded again by the Indians, who had taken part with the British, and the 28th day of the same month, Colonel Andrew Donnally's house was attacked, about eight miles from Lewisburg, by two hundred Indians; these Indians were pursued from the mouth of the Kanawha by two scouts from the garrison, to wit: Phil. Hammond and John Prior, and passing the Indians at the meadows, gave intelligence to Colonel Donnally of their approach, who instantly collected about twenty men and the next morning sustained the attack of the enemy until he was relieved, about two o'clock by sixty men from Lewisburg. I was one of the number, and we got into the house unhurt, being favored by a field of rye which grew close up to the house, the Indians being all on the opposite side of the house. Four men

were killed before we got in, and about sixteen Indians lay dead in the yard before the door; some of these were taken off in the night, but we scalped nine the next morning; this was the last time the Indians invaded Greenbrier in any *large* party.

“Peace with the British followed in 1781, and then the people of this county began to make some feeble efforts to regulate their society, and to open roads and passes for the wagons through the mountains, which by many had been thought impracticable, no wagon at that time having ever approached nearer than the Warm Springs. On our petition the Assembly granted a law empowering the Court to levy a certain annual sum in commutables for the inhabitants for the purpose of opening a road from the Court House to the Warm Springs; a convenience for the importation of salt and other necessities of lumber as well as conveying our hemp and other heavy wear to market would readily be expected to receive the approbation of every one, but such is the perverse disposition of some men—unwilling that any should share advantages in preference to themselves—that this laudable measure was opposed by Mr. William Hutchison, who had first represented the County in the General Assembly—on this occasion, without the privity of the people, went at his own expense to Richmond, and by his insinuations to some of the members with unfair representations obtained a suspension of the law for two years, but the following year Col. Thomas Adams, who visited the county, satisfied with the impropriety of Hutchison’s representation, had the suspension repealed, and full powers were allowed to the Court to levy money for the purpose aforesaid, and by this means a wagon road was opened from the Court House to the Warm Springs, which made way for the same to Sweet Springs.

“The paper money emitted for maintaining our war against the British became totally depreciated, and there was not a sufficient quantity of specie in circulation to enable the people to pay the revenue tax assessed upon the citizens of this County, wherefore we fell in arrears to the public for four years. But the Assembly again taking our remote situation under consideration, graciously granted the sum of five thousand pounds of our said arrears to be applied to the purpose of opening a road from Lewisburg to the Kanawha river. The people, grateful for such indulgence, willingly embraced the opportunity of such an offer, and every person liable for arrears of tax agreed to perform labor equivalent on the road, and the people being formed into districts with each a superintendent, the road was completed in the space of two months in the year 1786, and thus was a communication by wagon to the navigable waters of the Kanawha first effected, and which will probably be found the highest and best conveyance from the Eastern to the Western county that will ever be known. May I here hazard a conjecture that has often occurred to me since I inhabited this place, that Nature has designed this part of the world a peaceable retreat for some of her favorite children, where pure morals will be preserved by separating them from other societies at so respectful a distance by ridges of mountains; and I sincerely wish time may prove my conjecture rational and true. From the springs of salt water discoverable along our river, banks of iron ore, mines pregnant with salt-petre and forests of sugar trees so amply provided and so easily acquired, I have no doubt the future inhabitants of this County will surely avail themselves of such singular advantages greatly to their comfort and satisfaction, and render them a grateful and happy people.”

HARRISON.

Harrison was formed from Monongalia by an act of Assembly passed May, 1784, which provided that: "From and after the 20th day of July next the county of Monongalia shall be divided into two distinct counties by a line beginning on the Maryland line at the Fork Ford on the land of John Goff; thence down the said creek to Tygart's Valley Fork of the Monongahela river; thence down the same to the mouth of the West Fork river; thence up the same to the mouth of Bingamon's creek; thence up said creek to the line of Ohio county; and that part of the said county lying south of the said line shall be called and known by the name of Harrison."

BENJAMIN HARRISON, in honor of whom the county was named, was a native of Charles City county, Virginia, one of the signers of the Declaration of Independence, a Governor of Virginia from 1781 to 1784, and the father of General W. H. Harrison, President of the United States.

The act creating the county provided that the first court should be held at the house of George Jackson, at Bush's Fort, on Buchannon river.

The early settlers suffered severely during the continuance of the French and Indian wars. To tell the story would be to write a volume. Around Nutter's Fort, where Clarksburgh now stands, and West's Fort, near the present site of the village of Jane Lew, were enacted many of the scenes in the drama of savage warfare. From the many we select the following:—

The last appearance of the Indians on the waters of the West Fork in the year 1778, was at the house of

Samuel Cottrail, near the present town of Clarksburgh. "During the night considerable fear was excited both at Cottrail's and at Sotha Hickman's, on the opposite side of Elk creek, by the continued barking of the dogs, that Indians were lurking near, and in consequence of this apprehension, Cottrail, on going to bed, secured well the doors and directed that no one should stir out in the morning until it was ascertained that there was no danger threatening. Awhile before day, Cottrail being fast asleep, Moses Coleman, who lived with him, got up, shelled some corn, and giving a few ears to Cottrail's nephew with direction to feed the pigs around the yard, went to the hand-mill in an out-house and began to grind some of the corn. The little boy being squatted down shelling the corn, found himself suddenly drawn on his back and an Indian standing over him, ordering him to lie there. The savage then turned toward the house where Coleman was, fired, and as Coleman fell, ran up to scalp him. Thinking this a favorable time for him to reach the dwelling house, the little boy sprang to his feet, and running to the door, it was opened, and he admitted. Scarcely was it closed after him when one of the Indians with his tomahawk attempted to break it open. Cottrail fired through the door at him and he went off, followed by his companions, several in number, who had been concealed near the house."

Indians on Hacker's Creek.—On the 5th of December, 1787, a party of Indians and one white man—Leonard Schoolcraft—came into the settlement on Hacker's creek, and meeting with a daughter of Jesse Hughes, took her prisoner. Passing on, they came upon E. West, Sen., carrying some fodder to the

stable, and taking him likewise captive, carried him to where Hughes' daughter had been left in charge of some of the party. Here the old gentleman fell upon his knees and expressed a fervent desire that they would not deal harshly with him. His petition was answered by a stroke of the tomahawk and he fell dead.

They then went to the house of Edmund West, where were Mrs. West and her sister, a girl of eleven years, a daughter of John Hacker, and a lad of twelve, a brother of West. Forcing open the door, Schoolcraft and two of the savages entered and one of them immediately tomahawked Mrs. West. The boy was taking some corn from under the bed. He was drawn out by the heels and the tomahawk sunk twice in his forehead directly above each eye. The girl was standing behind the door. One of the savages approached and aimed a blow at her. She tried to evade it, but it struck on the side of the head, though not with sufficient force to knock her down. She fell, however, and lay as if killed. Thinking their work of death accomplished here, they took from a press some milk, butter and bread, placed it on a table and deliberately sat down to eat—the little girl observing all that passed in silence. When they had satisfied their hunger they arose, scalped the woman and boy, plundered the house—even emptying the feathers to carry off the ticking—and departed, dragging the little girl by the hair forty or fifty yards from the house; they then threw her over the fence and scalped her; but as she evinced symptoms of life, Schoolcraft said, "*that is not enough,*" then one of the savages thrust a knife into her side, and they left her. Fortunately, the point of

the knife came in contact with a rib and did not injure her much.

Old Mrs. West and her two daughters who were alone when the old man was taken, became uneasy that he did not return ; and fearing that he had fallen into the hands of the savages, they left the house and went to Alexander West's, who was then on a hunting expedition with his brother Edmund. They told of the absence of old Mr. West and their fears as to his fate ; and as there was no man there, they went over to Jesse Hughes, who was himself uneasy that his daughter did not come home. Upon hearing that West, too, was missing, he did not doubt that both had fallen into the hands of the savages ; and knowing that Edmund West was absent from home, he deemed it advisable to apprise his wife of danger and remove her to his house. For this purpose, and accompanied by Mrs. West's two daughters, he went. On entering the door the tale of destruction was soon told. Mrs. West and the lad lay weltering in their blood, but not yet dead. The sight overpowered the girls, and Hughes had to carry them off. Seeing that the savages had just left, and aware of the danger that would attend any attempt to move out and give the alarm that night, Hughes guarded his own house until day, when he spread the sorrowful intelligence, and a company was collected to ascertain the extent of the mischief and try to find those who were missing.

Clarksburgh was established by legislative enactment in October, 1785, when the following trustees were appointed : William Haymond, Nicholas Carpenter, John Myers, John M'Ally and John Davisson. December 30, 1809, the following additional trustees

were appointed: Benjamin Wilson, Jr., James Pindall, John G. Jackson, Jacob Stealy, Daniel Morris, Alexander F. Lanham and Allison Clarke. At the May term of the county court, 1810, commissioners were appointed to contract for the building of a court house on a lot given by Benjamin Wilson, Jr., for that purpose, in the town of Clarksburgh. Three commissioners contracted with Allison Clarke, John Smith and Daniel Morris, to erect the building at a cost of \$3700, but after considerable work had been performed and \$1200 received for the same, a doubt arose as to the legality of removing the seat of justice. To set the matter at rest, the Assembly, January 18, 1811, enacted that the removal should be legal whenever Benjamin Wilson should convey by deed in fee simple the lot to the justices of Harrison county. The town was incorporated March 15, 1849.

New Salem was made a town by legislative enactment December 19, 1794, on lands of Samuel Fitz Randolph. John Patterson, John Davis, Samuel Lippincott, James Davis, Zebulon Maxon, Benjamin Thorp, Thomas Clayton, William Davis, Jacob Davis, George Jackson and John Haymond were appointed trustees thereof.

Bridgeport was established a town by act of Assembly passed January 15, 1816, on lands of Joseph Johnson at Simpson's creek bridge, with Benjamin Coplin, Mathias Winters, Peter Link, John Davisson, David Coplin, Jedediah Waldo and Joseph Johnson, trustees.

Shinnston became a town by act of February 2, 1818, on lands of Asa and Levi Shinn, with John Righter, David Warmesley, Samuel Shinn, John D. Lucas, Benjamin Wood, Joseph Wilson and Jeremiah Roby, trustees.

JESSE HUGHES.—The vicinity of Clarksburgh was long the home of Jesse Hughes, the distinguished Indian scout and border ranger. He was bred from infancy in the hotbed of Indian warfare, and came to what is now Harrison county as early as 1770, where for many years he was conspicuous in the Indian wars. Of his ancestry and early life but little is known, but after the storm of war had passed away, he lived many years to enjoy that peace and quiet which the valor and heroism of himself and compatriots had won. He died about the year 1830, at the residence of his son-in-law, George Hanshaw, at Ravenswood, in Jackson county, and is buried at that place. His name is commemorated in that of Hughes river, the principal northern tributary of the Little Kanawha. Early in life he married Grace Tanner, by whom he had the following issue: Jesse, Jr.; William; Rachael, who married William Cottrell; Martha, who married Jacob Bonnett; Sudna, who married Elijah Runner; Elizabeth, who married James Stanley; Massie, who married Uriah Gandy; Nancy, who married George Hanshaw; and Lucinda, who married Uriah Sayre. Massie was the last surviving member of the family. She died in Roane county in 1884, aged ninety-eight years; she was the grandmother of Hon. Frederick Gandy, of that county.

WILLIAM LOWTHER.—Henry, George and William were the sons of Henry Low, and were English miners; for their superior skill and meritorious service "*ther*" was added to their name by royal edict. William had a son Robert, who with his wife, Aquilla Rees Lowther, emigrated to America in 1740, and came to the Hacker creek settlement in 1767, accompanied by their son

William, the subject of this sketch, who was born in 1742. The latter married Sudna Hughes, sister of Elias, Jesse, Thomas and Job, of Indian war fame, and settled on Simpson's creek in 1772. Many of their descendants are now living in Clarksburgh and the surrounding country.

William Lowther became distinguished as a skillful and courageous frontiersman, and for his unselfish devotion to the good of the colonists. The population of these frontier settlements increased so rapidly that the supply of provisions became insufficient, and the year 1773 was called, in the early traditions of the section, "the starving year." Such were the exertions of William Lowther to mitigate the sufferings of the people, and so great was his success that his name is transmitted to their descendants hallowed by their blessings. During the war of 1774, and subsequently, he was the most active and efficient defender of the settlements in that vicinity, against the savage foe, and many a successful expedition against them was commanded by him. He was one of the first justices of the peace in Harrison county, also the first sheriff of Harrison and Wood counties, and a delegate to the General Assembly of the State. He also attained all the subordinate ranks in the military service until promoted to that of colonel, and by his unassuming good qualities endeared himself to all with whom he became associated. He died October 28, 1814.

JOSEPH JOHNSON, the only governor of Virginia ever chosen from a county west of the Alleghenies, lived and died near Bridgeport, in this county. He was born in Orange county, New York, December 19, 1785, his parents being Joseph and Abigail Johnson, the father

a distinguished soldier from that State during the Revolution. When Joseph was five years of age his father died and the family removed to New Jersey, where they resided until 1801, when a second removal was made, this to Harrison county, Virginia. Here Joseph grew to manhood, acquiring by his own exertions that mental culture which afterward rendered him an exemplification of the hackneyed term "self-made." During the War of 1812, he commanded the Harrison Riflemen, doing service on the Atlantic seaboard. In 1818, he was elected a member of the General Assembly, defeating John Prunty, who was a candidate for reelection. In 1823, he was elected to Congress and served two terms, having defeated the distinguished Philip Doddridge in both contests. In 1832, he was again elected a member of the same body, to fill the vacancy occasioned by the death of Philip Doddridge, and by successive reelection served until 1841, when he declined a reelection and supported Samuel L. Hays, who was, however, defeated by George W. Summers. In 1845, Mr. Johnson was again a candidate and was elected, defeating Gideon D. Camden. The expiration of this term ended, at his own request, his Congressional career. The people in 1847, elected him a member of the Assembly, and in 1850, he was chosen a member of the Constitutional Convention. While serving in that body he was elected Governor of Virginia for the term of one year, by the General Assembly, and upon the adoption of the new Constitution, by which that office was made elective by the people, he was chosen for the term of four years. In 1855, he retired to private life, and continued to reside in Harrison county until his death, February 27, 1877, at the age of ninety-two years.

THOMAS JONATHAN JACKSON, popularly known as "Stonewall," was a native of Harrison county, having been born in Clarksburgh, January 21, 1824. His great-grandfather, a native of England, early in life found a home in the wilds of Virginia, and his grandfather, Edward Jackson, was a prominent surveyor in the Monongalia Valley. Jonathan, son of the last, adopted the legal profession, and located at Clarksburgh, soon after which he married Julia, a daughter of Thomas Neal, of Wood county. Four children—two sons and two daughters—were the issue of this marriage, the youngest being Thomas J., the subject of this sketch. His father died in 1827 and his mother in 1831; thus he was an orphan at the age of seven years. He now found a welcome home in the family of his uncle, Cummins Jackson, who resided on a farm eighteen miles distant from Clarksburgh, and here remained until he was eighteen years of age, in the meantime performing the usual labor of the farm and attending the schools of the neighborhood. At the age of sixteen he served as constable of Lewis county. He was ambitious, with an insatiable thirst for knowledge, and in 1842, learning of a vacancy in the United States Military Academy at West Point, he determined to make application for the appointment. His friends cordially supported him, and dressed in a suit of homespun, made his way to Washington, where he at once appeared before the Secretary of War, Hon. John C. Spencer, who was so much pleased with his appearance, that he ordered a warrant for his appointment to be immediately made out. Young Jackson entered the Academy July 1, 1842, and at the expiration of four years, was graduated with the rank

of brevet second lieutenant, standing seventeenth in a class of fifty-nine members. Among his classmates were Generals George B. McClellan, John G. Foster, Jesse L. Reno, D. N. Couch, Truman Semour, M. D. L. Simpson, S. D. Sturgiss, George Stoneman, Innis N. Palmer, Alfred Gibbs, George H. Gordon, Frederick Myers, Joseph N. G. Whistler, and Nelson H. Davis, of the United States Army, and Generals John A. Brown, John Adams, Darbney H. Maury, D. R. Jones, Cadmus M. Wilcox, Samuel B. Maxey, and George E. Pickett, of the Confederate Army. The Mexican War was in progress, and Lieutenant Jackson was at once ordered to join the First Regiment of Artillery, then at New Orleans. Complying, he entered Mexico with the army of General Taylor, under whom he served until transferred to the command of General Scott. His military career was one of distinction and rapid promotion. He was engaged in the siege of Vera Cruz, and in the battles of Cerro Gordo, La Hoya, Oka Laka, Contreras, Cherubusco, Molino del Rey, the storming of Chapultepec, and the capture of Mexico. In the conquered city, he received the rank of Major. Returning home with the army, he served in Fort Columbus, New York, in 1848, in Fort Hamilton, New York, in 1849, and was engaged in the Seminole War in Florida, in 1851. February 29, 1851, he resigned his commission and returned to Virginia, where he was elected Professor of Natural and Experimental Philosophy and Instructor of Artillery Tactics in the Virginia Military Institute at Lexington, which position he filled until the beginning of the Civil War. Immediately upon the secession of Virginia, Governor Letcher issued to Jackson a colonel's com-

mission, and he took command of a small body of troops in the vicinity of Harper's Ferry. We can here make but a brief recapitulation of his subsequent career. Promoted to the rank of Brigadier General, June 17, 1861, he, on the 2d of July, checked for a time the advance of General Patterson at Falling Waters. He bore an important part in the battle of Bull Run, where, in the language of General Barnard E. Bée, of South Carolina, "he stood like a stone wall." October 7, he was commissioned a Major-General, and in January, 1862, marched into western Virginia, striking Bath and Romney. March 23, he engaged General Shields at Kernstown, and early in May, forced Banks to abandon Front Royal. Hastening his command to Richmond, he threw it against McClellan's rear and saved the fortunes of the Confederate arms at Gaines' Mills. His achievements of the next few days won for him the distinction of one of the great commanders in the world's history. He was engaged in the invasion of Maryland, and September 15, captured Harper's Ferry with more than 11,000 prisoners, then joined Lee in time to do the severest fighting at Antietam. October 11, 1862, he was promoted to the rank of Lieutenant-General, and witnessed the battle of Fredericksburg in December. May the 2d, 1863, he succeeded in turning Hooker's flank at Chancellorsville, but in the darkness of the evening, as he was returning to the rear with his staff, he was fired upon by mistake by his own men and received a wound from the effects of which he died May 10, 1863. The last hours of the distinguished chieftain have been variously described. Within a few hours of his death he was informed by the surgeon that there was no hope ;

that he was dying; he answered, "Very good; it is all right." It was Sunday, and a long cherished wish was now to be gratified. In life he had often been heard to express the hope that he might die on the Sabbath day. So it was to be. A few moments before he died, he cried out in delirium, "Order A. P. Hill to prepare for action; pass the infantry to the front rapidly; tell Major Hawks—" The sentence was never completed. A smile spread over the pale face, and he whispered, "Let us cross over the river and rest under the shade of the trees." With these beautiful and typical words trembling upon his lips, the Christian soldier sank to eternal rest. His remains repose in the cemetery at Lexington, Virginia.



GEN. THOMAS J. JACKSON.

HARDY.

The county of Hardy was formed from Hampshire by act of October, 1785, which declared "That from and after the first day of February next, the county of Hampshire shall be divided into two distinct counties by a line beginning at the North Branch of the Potomac, opposite to the mouth of Savage river, and running thence in a direct course so as to strike the upper end of the plantation known by the name of Myre's Mill, on New creek; thence in a direct course to Lewis' Mill, on Patterson's creek; thence in a direct course to the highest part of the mountain known by the name of High Knob; thence in a direct course to the gap of the Short Mountain, where the North river runs through the same; thence along the road leading to the upper end of Henry Fry's Plantation on Capon, and along the said road to the top of North Mountain to the dividing line between the counties of Shenandoah and Hampshire; and that all that part of the said county lying south of the said line shall be called and known by the name of Hardy; and the residue of the said county shall retain the name of Hampshire."

Another section of the act provided that the first court for the new county should be held at the house of William Bullitt, and that the justices composing it should then select a site for the county seat.

SAMUEL HARDY, in honor of whom the county was named, was long a resident of Isle of Wight county, Virginia. He was one of the early members of Congress from that State, and as such, on behalf of Virginia, he was one of the number who signed the Deed of

Cession which transferred the Northwest Territory to the General Government.

The early settlers of this county were among those who suffered much during the long period of Indian hostilities. Many heroic deeds in defence of pioneer homes deserve a lasting record.

The Battle of the Trough.—This was one of the most sanguinary conflicts which took place between the pioneers of western Virginia and the savages aided and abetted by the French. It occurred in the spring of 1756, just after Braddock's defeat had laid the frontier open to Indian incursion. The following account is given by Dr. Charles A. Turley of Fort Pleasant.

“The memorable battle of the Trough was preceded by the following circumstances. On the day previous two Indian strollers, from a large party of sixty or seventy warriors, under the well-known and ferocious chief, Kill-buck, made an attack on the dwelling of a Mrs. Blake, on the South fork of the South Branch of the Potomac, about fifteen miles above Moorefield, and took Mrs. Blake and a Mrs. Neff prisoners. The former not being able to travel was tomahawked and scalped, and the latter brought down to the vicinity of Town Fort, about one and a half miles below Moorefield. There one of the Indians, under the pretence of hunting, retired, and the other laid himself down and pretended to fall asleep, with a view, as was believed, to let Mrs. Neff escape to the fort and give the alarm. Everything turned out agreeably to their expectations; for as soon as she reached the fort and gave the circumstances of her escape, eighteen men from that and Buttermilk fort, five miles above, went in pursuit.

They were men notorious for their valor, and who had been well tried on many such occasions.

"As soon as they came to the place indicated by Mrs. Neff, they found a plain trace left by the Indian, by occasionally breaking a bush. John Harneas, who was well acquainted with the mode of warfare of the Indians, pronounced that the hunter Indian had not returned to his comrade, or that they were in great force somewhere near and in ambush. They, however, pursued the trace without discovering any sign of a larger party, until they arrived between two mountains, forming what from its resemblance is called the Trough. Here, directly above a spring about two hundred paces from the river, which at that time was filled to an impassable stage by a heavy fall of rain, these grim monsters of blood were encamped to the number above stated. The western face of the ridge was very precipitous and rough, and on the north of the spring was a deep ravine cutting directly up into the ridge above. Our little band of heroes, nothing daunted by the superior number of the enemy, dismounted unobserved and prepared for battle, leaving their horses on the ridge. But by one of those unforeseen accidents which often thwart the seemingly best planned enterprises, a small dog which had followed them just at this juncture started a rabbit, and went yelping down the ridge, giving the Indians timely notice of their approach. They immediately flew to arms, and filling up the ravine before described, passed directly in the rear of our little band, placing them in the very situation in which they had hoped to find their enemies, between the mountain and the swollen river. Now came the 'tug of war,' and both parties rushed

to the onset, dealing death and slaughter at every fire. After an hour or two of hard fighting, during which each of our little band had numbered his man, and more than half their number had fallen to rise no more, those that remained were compelled to retreat, which could only be effected by swimming the river. Some who had been wounded not being able to do this, determined to sell their lives as dearly as possible; and deliberately loading their rifles and placing themselves behind some cover on the river bank, dealt certain death to the first adversary who made his appearance, and then calmly yielded to the tomahawk.

“ * * * At the time of which we are speaking, there were quartered in Fort Pleasant, about one and a half miles above the battle ground and within hearing of every gun, a company of regulars, commanded by a British officer named Wagner, who not only refused to march a man out of the fort, but, when the inhabitants seized their rifles and determined to rush to the assistance of their brothers, ordered the gates to be closed and suffered none to pass in or out. * * *

“ The Indian chief Kill-buck afterward admitted that, although he had witnessed many sanguinary contests, this was the most so that he had ever experienced for the number of his enemies. Kill-buck was a Shawnee, a savage of strong mental powers, and well acquainted with all the families in the settlement before the war broke out. Colonel Vincent Williams, whose father was inhumanly murdered by Kill-buck, became personally acquainted with him many years after, and from him learned the particulars of his father's death, as well as the great heroism manifested by our little band at the battle of the Trough.”

MOOREFIELD, then in Hampshire county, was established a town by act of Assembly, 1777, on lands the property of Conrad Moore, from whom the town received its name. Garret VanMatre, Abel Randall, Moses Hutton, Jacob Read, Jonathan Heath, Daniel McNeil and George Rennick were appointed trustees. By Act of December, 29, 1809, it was made lawful for the freeholders, housekeepers, of the town to elect five fit and able men, inhabitants of the town, to serve as trustees thereof.

RANDOLPH.

Randolph is the largest county in the State, having an area of 1080 square miles. In October, 1786, the General Assembly enacted "That from and after the first day of May, one thousand seven hundred and eighty-seven, the county of Harrison shall be divided into two distinct counties, that is to say, so much of the said county lying on the southeast of the following lines, beginning at the mouth of Sandy creek; thence up Tygart's Valley river, to the mouth of Buckhannon river; thence up the said river including all the waters thereof; thence down Elk river, including the waters thereof, to the Greenbrier line, shall be one distinct county, to be called and known by the name of Randolph; and the residue of the said county shall retain the name of Harrison."

The Act provided that the justices for the new county should meet at the house of Benjamin Wilson, Tygart's Valley, and hold the first court.

EDMUND RANDOLPH, in honor of whom the county was named, was born at Williamsburg, Virginia. He was of distinguished lineage. He was the son of John Randolph, the Attorney-General of the colony, and the grandson of Sir John Randolph, who filled the same office and received the honor of knighthood for services to the Crown. His mother was Ariana, daughter of Edmund Jennings, Attorney-General of Maryland and Virginia. Educated at William and Mary College, Edmund Randolph entered on the profession of law. In 1775, he entered the Continental Army, for which he was disinherited by his father, who remained loyal to the Crown. By the Virginia Convention of 1776,

he was appointed first Attorney-General of the Commonwealth, and in 1779, he was elected a member of the Continental Congress. In 1786, he became Governor of the State, and in 1787, was a member of the body which framed the Federal Constitution, and the next year a member of the Virginia Convention which ratified that compact. In 1790, he was appointed first Attorney-General of the United States, and in 1794, succeeded Jefferson as Secretary of State. In 1784, he was appointed Deputy Grand Master of the Grand Lodge of the Order of Ancient Free and Accepted Masons of Virginia, and in 1786, was elected Grand Master of the same. His name is masonically perpetuated in that of the Richmond Randolph Lodge, No. 19, chartered October 19, 1787.

About the year 1754, David Tygart and a man named Files attempted a settlement within the present limits of the county. Files settled at the mouth of a creek that still bears his name. Tygart selected a spot a few miles farther up the river. The valley in which they settled has since been called Tygart's Valley, and the river which flows through it, Tygart's Valley river.

They found it difficult to procure provisions for their families, and from their contiguity to an Indian villages, did not feel secure. They soon determined to retrace their steps. But before preparations for removal were completed, the family of Files, one son only escaping, were killed by the Indians. This son was near enough to his home to hear distinctly all that happened, and knowing he was utterly powerless to assist his friends there, fled in haste to warn Tygart's family of the danger that threatened them. The country was at once abandoned by them.

Indian Incursion.—Previous to the war of 1774, the settlers of Tygart's Valley were undisturbed by Indian marauders, yet this happy exemption from sharing the terrible fate of other settlements did not prevent them from using the utmost caution. Spies were regularly employed to watch the Indian war paths beyond the settlement and give warning in case of the approach of the savages. In this capacity William White and Leonard Petro were serving when they were discovered by the Indians. (See Calhoun county.)

After White's return in the autumn of 1777, the settlers, accustomed to enjoy quiet during the cold seasons, somewhat relaxed their vigilance and began to consider themselves secure for the winter. The following shows how sadly they were made to see their mistake.

"A party of twenty Indians designing to commit some depredations during the fall, had nearly reached the upper end of Tygart's Valley, when the snow, which inspired the inhabitants with confidence in their security, began falling. Fearful of laying themselves open to detection if they proceeded farther at that time, and anxious to enact some mischief before they returned home, they remained concealed about ten miles from the settlements, until the snow disappeared. On the 15th of December, they came to the house of Darby Connoly, at the upper extremity of the Valley, and killed him, his wife and several children, and took three others prisoners. Proceeding to the next house, they killed John Stewart, his wife and child, and took Miss Hamilton into captivity. They then immediately changed their direction, and with great dispatch began the journey home, with the captives and plunder.

"In the course of the evening after these outrages were committed, John Hadden, passing the house of Connolly, saw a tame elk lying dead in the yard. This, and the death-like stillness that was all around, excited his fear that all was not right. Entering the house he saw the awful desolation. Seeing that the bloody work had been but recently done, he hastened to alarm the neighborhood, and sent an express to Captain Benjamin Wilson, living twenty miles farther down the Valley, with the intelligence. With great promptitude, Captain Wilson went through the settlement, exerting himself to procure as many volunteers as would justify going in pursuit of the aggressors. So indefatigable was he in accomplishing his purpose, that, on the day after the murders were perpetrated, he appeared on the theatre of their exhibition with thirty men, prepared to take the trail and push forward in pursuit of the savages. For five days they followed through cold and wet. At this time many of the men expressed a determination to return. They had suffered much, travelled far, and yet saw no prospect of overtaking the enemy. It is not strange that they became dispirited. In order to expedite their progress, the numerous water-courses which lay across their path, swollen to an unusual height and width, were passed without any preparation to avoid getting wet; in consequence, after crossing one of them, they were compelled to travel with icicles hanging from their clothes. They suffered much, too, for want of provisions. The short time afforded for preparation had not admitted of their taking with them as much as they supposed would be required, and they had already been on the chase longer than was anticipated. With great difficulty Captain Wilson prevailed on them to

continue the pursuit one day longer, hoping the Indians would be compelled to halt in order to hunt for food. Not yet being sensible that they had gained upon the enemy, the men positively refused to go farther, and returned to their homes."

LIEUTENANT JOHN WHITE, of Tygart's Valley, was killed by the Indians in 1778. A party of them lying in ambush fired at him as he was riding by, wounding his horse so that he threw his rider, whom they then tomahawked and scalped. Captain Wilson, with his usual promptitude, again went in pursuit of the Indians. But the wily savages returning by another way than the one he took, escaped him.

Beverly, the county seat, was established by legislative enactment December 16, 1790, on lands the property of James Westfall. John Wilson, Jacob Westfall, Sylvester Ward, Thomas Phillips, Hezekiah Rosecrouts, William Wormesley and Valentine Stalnaker, were appointed trustees. January 26, 1811, the freeholders of Beverly were directed to elect five fit and able men, freeholders and inhabitants of the town, to be trustees thereof. By Act of Assembly, January 17, 1848, the town was incorporated under the name of the "Borough of Beverly."

PENDLETON.

Pendleton county was formed from Augusta, Hardy and Rockingham, December 4, 1787, when the General Assembly enacted "That from and after the first of May next, all those parts of the counties of Augusta, Hardy and Rockingham, within the following bounds: beginning on the line of Rockingham county on the North Mountain, opposite to Charles Wilson's on the South Fork; thence a straight line to the Clay Lick on the North Fork; thence to the top of the Alleghenies and along the same and the east side of the Greenbrier waters to the southwest fountain of the South Branch; and thence between the same and the waters of James river, along the dividing ridge to the said North Mountain, and with the top of the same to the beginning shall form one distinct and new county, and be called and known by the name of Pendleton."

The justices were directed to hold the first court for the new county at the house of Zariah Stratton.

EDMUND PENDLETON, in honor of whom the county was named, was born in Caroline county, in 1741, and early in life entered upon the study of law. He was the president of the Virginia Convention of 1775, and also of that of 1778, which ratified the Federal Constitution. He was twice a member of Congress and was long president of the Virginia Court of Appeals. Upon the organization of the Federal Government, he was selected by Congress as District Judge for Virginia but declined the appointment. He died at Richmond in 1803.

Seybert's Fort.—Twelve miles west from the present town of Franklin stood a small frontier post known as

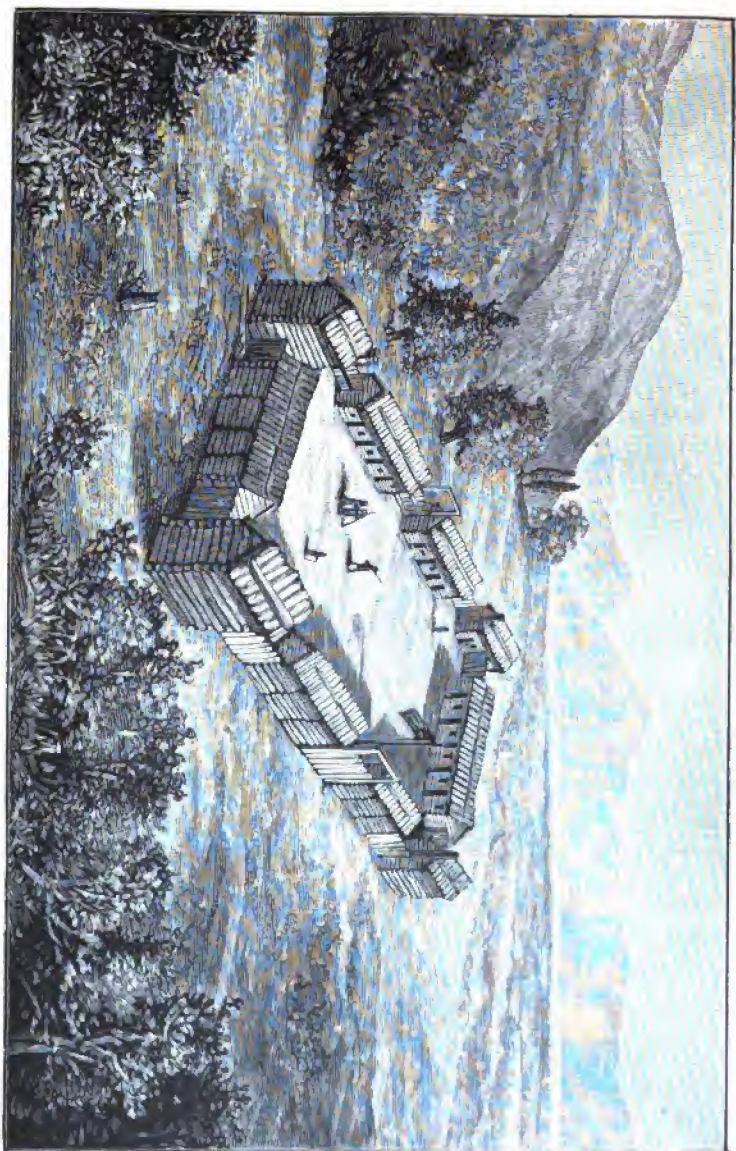
Fort Seybert. It was a rude structure, but with the inmates well armed it would have proven strong enough to resist an attack of the Indians. Like other structures of its kind, it was a place of refuge for the settlers around its walls. Into it they fled at the approach of the savage foe, and here they remained in safety during periods when the Indians were most troublesome. In May, 1758, when between thirty and forty persons were within the enclosure, it was attacked by a party of Shawnees under the blood-thirsty chief, Kill-buck. The following account is given by De Hass :—

“ Finding neither threatening words nor bullets of any avail, the cunning savages, after two days’ trial, resorted to strategy, and, unhappily, with most fatal success. They made various propositions to the besieged to give up, and their lives should be spared ; if not, the siege should be continued and every soul massacred.

“ The promise of safety lured the unfortunate victims from their duty, and they yielded quiet possession of the fort. There were about thirty persons at the time in the fort and these the savages proceeded to secure. Instantly the whites realized the horror of their situation and saw the inevitable doom which awaited them. In a moment of false security they trusted the promise of the savages and now were about to pay the penalty with their lives. Of the whole number all were massacred but eleven.”

The horrible scene was witnessed by a youth named James Dyer, who was carried to the Indian towns on the Sciota, and escaped after two years’ captivity.

It is stated by Kercheval that a son of Captain Seybert, having killed two Indians, had his gun raised to



SEVBERTS FORT.

present it at Kill-buck, when his father seized it, saying they would have to surrender to save their lives. Immediately after the surrender, Kill-buck saluted the Commander by a stroke in the mouth with his tomahawk. Young Seybert was among those taken off prisoners. When he told Kill-buck he had raised his gun to kill him, the savage replied, "If you had killed me you would have saved the fort; for if I had fallen my warriors would have given up the siege in despair."

Of the fate of the eleven prisoners, nothing satisfactory is known except concerning James Dyer. He was the father of Zebulon Dyer, who was afterward clerk of Pendleton county.

Franklin, the county seat, was established a town by Act of December 19, 1794, on forty-six and one-half acres of land, the property of Francis Evick. William M'Coy, James Patterson, Joseph Johnson, John Roberts, Joseph Arbaugh, James Dyer, Sr., John Hopkins, Jacob Conrad, Peter Hull and Oliver M'Coy were appointed trustees. January 10, 1814, the General Assembly enacted that "The freeholders of the said town shall meet and elect five fit and able men, being freeholders and inhabitants of the said town, to be trustees thereof."

KANAWHA.

Kanawha was formed in 1789, from Greenbrier and Montgomery, and named from its principal river. Its present area is 980 square miles. Here, as elsewhere throughout the State, the first lands surveyed were patented largely by soldiers, who received them as bounties under Dinwiddie's proclamation of 1754, for services in the French and Indian War.

The first attempt at a settlement within the present limits of the county, or on the lower course of the New River—Kanawha, was that of Walter Kelly in 1774. It appears that he came from North Carolina to the Virginia frontier, and not content to remain in Greenbrier, then the most western outpost of civilization, pushed out into the wilderness, and at the mouth of what has ever since been known as Kelly's creek—a stream falling into the Kanawha twenty miles above Charleston—reared his cabin. Sadly was he made to pay for his temerity. Shortly after his settlement the scouts sent out from Greenbrier learned that the savages were preparing for hostilities. A messenger was at once sent to warn Kelly of his danger. The following, subjoined from Wither's "*Chronicles of Border Warfare*," tells the story of his fate.

"When the express arrived at the cabin of Walter Kelly, twenty miles below the falls, Captain John Field, of Culpeper, who had been in active service during the French and Indian War, and was then engaged in making surveys, was there with a young Scotchman and a negro woman. Kelly, with great prudence, directly sent his family to Greenbrier, under the care of a younger brother. But Captain Field, considering

the apprehension as groundless, determined on remaining with Kelly, who from prudential motives did not wish to subject himself to observation by mingling with others. Left with no persons but the Scot and the negro, they were not long permitted to doubt the reality of those dangers of which they had been forewarned by Captain Stuart.

"Very soon after Kelly's family had left the cabin, and while yet within hearing of it, a party of Indians approached, unperceived, near to Kelly and Field, who were engaged in drawing leather from a tan-trough in the yard. The first intimation which Field had of their approach, was the discharge of several guns and the fall of Kelly. He then ran briskly toward the house to get possession of a gun, but recollecting that it was unloaded, he changed his course and sprang into a cornfield, which screened him from the observation of the Indians; they supposing that he had taken refuge in the cabin, rushed immediately into it. Here they found the Scotchman and the negro woman, the latter of whom they killed, and making a prisoner of the young man, returned and scalped Kelly.

"When Kelly's family reached the Greenbrier settlement, they mentioned their fears for the fate of those whom they had left on the Kanawha, not doubting but that the guns which they had heard soon after leaving the cabin, had been discharged at them by Indians. Captain Stuart, with a promptitude which must ever command admiration, exerted himself effectually to raise a volunteer corps, and proceed to the scene of action, with a view of ascertaining whether the Indians had been there; and if they had, and he could meet with them, to endeavor to punish them for the outrage,

and thus prevent the repetition of similar deeds of violence.

"They had not, however, gone far before they were met by Captain Field, whose appearance of itself fully told the tale of woe. He had run upwards of eighty miles, naked, except his shirt, and without food; his body nearly exhausted with fatigue, anxiety and hunger, and his limbs grievously lacerated with briars and brush. Captain Stuart, fearing lest the success of the Indians might induce them to push immediately for the settlements, thought proper to return and prepare for that event."

That Leonard Morris was the first permanent settler within the present limits of Kanawha there seems to be but little doubt. There is no evidence to sustain the claim that others were earlier.

In the Circuit Court of this county, in the year 1815, there was a land case decided in which Lawrence A. Washington was plaintiff and Eli Jarrett and Joseph Fletcher were defendants. In this case Leonard Morris, then in the eighty-sixth year of his age, was a witness. The following is an extract from his deposition taken from the record:—

"And the said Leonard Morris, being produced as a witness for the plaintiff, after being first duly sworn, deposeth and saith: That in the year 1775, this deponent was residing on Kanawha river about six miles from Burning Spring Tract. During that year, Messrs. Samuel Lewis, a surveyor, Colonel John Stuart, of Greenbrier, and Thomas Bullitt were on the Kanawha surveying lands, and procured from out of this deponent's family, Mungo Price and his son as chain carriers; that after the party returned from surveying,

this deponent understood from them that they had surveyed the Burning Spring Tract for the late General George Washington and Andrew Lewis. * * * *

This deponent, with the exception of some periods when the Indian wars made it hazardous to keep a family on Kanawha, has made it his principal residence since 1775. Sometimes during the Indian troubles, this deponent's family resided altogether in Greenbrier." From the foregoing it will be seen that Leonard Morris was residing here as early as 1775, and how much earlier cannot now be known. If there was a permanent settlement at any point in the Valley prior to that date, no evidence of it, either recorded or traditional, can now be found.

The First County Court convened at the residence of George Clendenin on the 5th day of October, 1789. The following justices were present: Thomas Lewis, Robert Clendenin, Francis Watkins, Charles McClung, Benjamin Strother, William Clendenin, David Robinson, George Alderson, Leonard Morris and James VanBibber. Thomas Lewis became the first Sheriff of the county, and William Cavendish the first clerk.

Charleston.—In 1773, Colonel Thomas Bullitt, a soldier of the French and Indian War, received a patent for a tract of 1030 acres of land, including the site of the present city of Charleston. This land he soon after sold to his brother, Judge Cuthbert Bullitt, President of the Court of Appeals of Virginia.

The founders of the city were the Clendenins. The emigrant ancestors of the family in the United States were three brothers, one of whom settled at Baltimore and became the ancestor of the Clendenin family of Maryland; a second, Archibald, with his family, found

a home on the Virginia frontier, where himself and family were murdered by the Indians at the time of the destruction of the Greenbrier settlements in 1763. Charles, the third of the brothers, was residing in Augusta county as early as 1752. It is not known at what date he came west of the mountains, but that he was living on Greenbrier river within the limits of Greenbrier county as early as 1780, is a matter of record. He had issue four sons and one daughter—George, William, Robert, Ellen Mary and Alexander.

George, the eldest, was born about the year 1746. He was a distinguished frontiersman, long engaged in the Indian wars, and a soldier in General Lewis' army at the battle of Point Pleasant. In June, 1788, he, with Colonel John Stuart, represented Greenbrier county in the Virginia Convention which ratified the Federal Constitution.

Whilst in Richmond, he met Judge Bullitt, from whom he purchased the lands upon which Charleston now stands, and in the autumn of the last named year, accompanied by his aged father and brothers and sisters, removed to the mouth of Elk river, where, the same year, they reared the *first* structure ever built on the site of the present capital of West Virginia. Within it, Charles Clendenin, the father, died about the year 1790, and was buried near by. When the county was formed, in 1789, George Clendenin furnished the blank books, for which the court allowed him nineteen hundred and twenty pounds of tobacco. Here he continued to reside until 1796, when he removed to Marietta, Ohio, where he died in 1797. His wife died at Point Pleasant in 1815. The structure reared by him was long known in pioneer annals as "Clen-

denin's Fort," and through the efforts of the venerable Dr. John P. Hale a portion of it is still preserved, and now used as a residence. Several daring pioneers accompanied the Clendenins to the Kanawha, among them being Josiah Harrison, Francis Watkins, Charles McClung, John Edwards, Lewis Tackett and Shaderick Harriman. Of the latter, the historian, John P. Hale, in his valuable work, "Trans-Allegheny Pioneers," says: "Shaderick Harriman, then (1794) living at the mouth of Lower Venable Branch, two miles above Charleston, on the south side, was the last person killed by Indians in the Kanawha Valley."

Charleston, contracted from "Charles' Town," first named in honor of Charles Clendenin, was made a town by legislative enactment December 19, 1794, with Reuben Slaughter, Andrew Donnally, Sr., Leonard Morris, George Alderson, Abraham Baker, John Young and William Morris, trustees.

St. Albans, at the mouth of Cole river, is near the site of Tackett's Fort, built by Lewis Tackett, who accompanied the Clendenins to the Valley in 1788. A year later it was attacked by a band of savages. At the time the inmates were Tackett, his son-in-law, daughter and one or two families, nearly all of whom perished at the hands of their barbarous conquerors.

Keziah, the wife of John Young and the daughter of Lewis Tackett, had that day given birth to a son—probably the first white child ever born in the Valley. When the attack began, the father clasped mother and child in his arms, and escaping from the fort, bore his precious burden to the river, where he placed it in a canoe, and pushing into the stream amid a shower of bullets, paddled twelve miles up the river, and late at

night reached Clendenin's Fort. Neither mother nor child suffered from the exposure. The former lived more than fifty years after the occurrence. The child grew to manhood, and died in Putnam county a few years since, having attained to a great age.

Perhaps the best view of the condition of affairs on the Virginia border a hundred years ago to be had from any official source is found in the reports of George Clendenin and Daniel Boone, who were Colonel and Lieutenant-Colonel, respectively, of Kanawha county. Both were prominent figures in the military establishment on the border, and both represented Kanawha county in the General Assembly in 1791. Early in the year 1789, it was thought that the Indians were preparing for an incursion into Southwest Virginia, and for the purpose of staying it George Clendenin collected the available military force at the mouth of Elk and hastened to Point Pleasant. In August he transmitted by private carrier his report to the Virginia War Department. It is still preserved among the archives at Richmond, and from it we have the names of the men who accompanied him to Point Pleasant. They were: William Clendenin, Captain; George Shaw, Lieutenant; Francis Watkins, Ensign; Shaderick Harrison, 1st Sergeant; Reuben Slaughter, 2d Sergeant, and twenty-six privates, viz.: John Tollypurt, William Carroll, William Turrell, Samuel Dunbar, Thomas Shirkey, William Hyllard, John Burns, Nicholas Null, John Cavinder, Isaac Snedicer, Archer Price, Henry Morris, William Miller, Benjamin Morris, Charles Young, John Booker, Levi Morris, William George, James Edgar, Joseph Burwell, Alexander Clendenin, Michael Newhouse, William Boggs, John Moore,

Robert Aron, William Morris. Such are the names of the men who did guard duty at Point Pleasant just a century ago.

On the 12th of December, 1791, Daniel Boone wrote Governor Henry Lee regarding the military establishment of Kanawha county, which then extended westward to the Ohio river, and along that stream from near Belleville to the mouth of Big Sandy river—a distance of more than a hundred miles. The following is his report verbatim. It is characteristic of the man who wrote it:—

“For Kanaway County, 68 Privits, Lenard Cuper, Captain, at Pint plesent, 17 men; John Morris, juner, Insine at the Bote yards 17 men. Two spyes or scutes Will be Nesesy at the pint to sarch the Banks of the River at the Crossing places. More would be Wanting if the(y) could be aloude. Those Spyas Must be Com-poused of the inhabitence who Well Know the Woods and waters from the pint to belleville, 60 mildes—No inhabitence: also from the pint to Elke, 60 Mildes—No inhabitence: from Elke, to the Bote yards, 20 Mildes, all inhabited.”

Here we are officially informed that in the year 1791, there was not a white inhabitant in all the Kanawha Valley, from Point Pleasant to Charleston, nor from the former place up the Ohio to Belleville, now in Wood county; while from the same source we learn that at that time the cabin homes of the pioneers dotted the banks of the Kanawha from Charleston to the “Bote yards,” by which Boone refers to the location at the mouth of Paint creek, where the pioneer who preferred it took water carriage down the river.

BROOKE.

Brooke county, the smallest in the State, has an area of 80 square miles. It was formed from Ohio county by act of Assembly passed November 30, 1796, and named in honor of Robert Brooke, a grandson of Robert Brooke, who in company with Robert Beverly the historian accompanied Governor Spotswood to Virginia in 1710. Both of these accompanied the Governor in his famous expedition over the Blue Ridge in 1716. Robert, in honor of whom the county was named, together with his brother Lawrence, was sent to Edinburgh to be educated, the former for the profession of law, the latter for that of medicine. When they returned, the Revolution was in progress. Lawrence, going to France, was through the influence of Benjamin Franklin appointed surgeon of the "Bon Homme Richard," and was in all of the engagements of that historic ship. Robert was captured on the voyage to America and sent back to England. Escaping, he went to Scotland, thence to France, and sailed for America in a French cruiser laden with arms for the colonial troops. He entered the army, and in 1781, was taken prisoner in an engagement at Westham, six miles from Richmond. He was soon exchanged, and returning to the army served to the close of the war. In 1794, he was a member of the General Assembly from Spotsylvania county, and the same year was elected Governor of Virginia. In 1795, he was made Grand Master of the Grand Lodge of Ancient Free and Accepted Masons. He was elected Attorney-General of Virginia in 1798, over his opponent, Bushrod Washington, a nephew of George Washington. He died in 1799, aged fifty-eight years.

The first Court in Brooke county convened May 23, 1797, at the house of William Thorpe, in Charlestown, now Wellsburg. The following were the justices composing it: John Beck, William Griffith, John Henderson, Alexander Stephenson, John Connell, Richard Elson, Francis McGuire, Isaac Meek, George Hammond, Josiah Gamble, Robert Colwell, James Griffith. John Beck qualified as sheriff for the county. John Connell was elected clerk and John Relfe, Commonwealth's Attorney. The following were appointed constables for the county: Samuel Litton, Roger Hill, William Baxter, Elijah Rittenhouse, Jacob Walker, James Perry, Samuel Dunlap, Hugh Brown and Adam Sullivan. John Relfe and Philip Doddridge were granted license to practice law in the courts of Brooke county.

Pioneers.—Henry Hervey settled in Brooke county in 1772, entering his land midway between the Ohio river and the Pennsylvania line. Richard Wells the same year located a tract of 400 acres in what is now Brooke county, between Cross and Harmon's creeks. He returned to his native State, Maryland, and brought back with him a party of Irishmen from an emigrant ship. In 1790, he brought with him from the east his aged parents, James and Honora Wells. William and Samuel Strain, natives of Ireland, settled on Cross creek in 1774. Ten years later their brother John settled near them. William Boner came to Brooke county in 1774. Charles Wells settled on Buffalo creek in 1775. About the same time his brothers, William, Absalom, Caleb and Amon, settled in the county. Joseph Colben settled on King's creek about the year 1776. About 1787 Moses Decker, Peter Cox and Benjamin Wells located patents in this county. Two

years previous Benjamin Johnson located 7000 acres of land. In 1786, William McMahon located a tract of land embracing the hills back of Wellsburg. Samuel Archer removed from Pennsylvania to Brooke county in 1798. Bernard Brady settled on a farm near Cross creek, in 1799. Asa Owings in 1796, purchased a tract of land south of Harmon's creek. Jeremiah Browning, with his sons, Lewis, Joseph and Jeremiah, Jr., with their families, moved to "Mingo Bottoms" in 1812.

Here, as elsewhere on the frontier, the pioneers suffered much from the Indian wars.

Captain Van Buskirk Killed.—In the summer of 1792, the last contest between the Indians on the upper Ohio and a party of Virginians organized for that purpose took place. The settlements in that part of the Panhandle now comprised in the counties of Brooke and Hancock had suffered greatly from savage marauders. A party of men organized under the leadership of Captain Lawson Van Buskirk—a man well adapted to lead such an expedition. He was able and courageous, and more than any other in the company had reason to desire revenge—his wife having been murdered by the savages less than a year before.

A band of savages, about thirty in number, on no mission of mercy, were on the Virginia shore, and it was quite certain that, retreating, they would attempt to cross the Ohio at a point not far below the present site of Steubenville. Captain Van Buskirk with his forty brave frontiersmen crossed the river and marched cautiously in search of the Indian trail. After following it some distance it was lost, but as the party neared the river again near the site of an old Mingo town, near

where they had crossed the stream, they discovered the Indians concealed in a dense thicket of pawpaw bushes. Captain Van Buskirk fell pierced by thirteen bullets. The contest lasted more than an hour, but the Indians were defeated. Several of their number were killed. The Virginians lost only their brave captain.

JOHN DECKER was the last white man killed by an Indian in Brooke county. He lived in this county, but only a short distance from West Liberty. As he was riding to Holliday's Cove along the ridge on the east side of Scott's run he discovered Indians in pursuit. They fired and a ball broke his horse's leg. He then attempted to escape on foot, but was overtaken and killed. Thomas Wiggins, who lived near, alarmed by the firing, seized his rifle and hastened to the spot whence the sound proceeded. He found only the lifeless body of Decker.

Wellsburg.—The town was laid out by Charles Prather, and in honor of the proprietor received the name of Charlestown. It was established by legislative enactment, December 7, 1791, with William M'Mechan, Benjamin Biggs, George Cox, George White, James Marshall, James Griffith, John Green, John Connell and Samuel Brown, trustees. By act of the General Assembly passed December 27, 1816, the name of Charlestown was changed to that of Wellsburg, in honor of Alexander Wells, who married the only daughter of Charles Prather. It became the county seat at the formation of the county.

Brooke Academy was incorporated by Act of Assembly passed January 10, 1799, with William McKennan, Bazaleel Wells, Charles Wells, James Marshall, Joseph Doddridge, Philip Doddridge, John Connell, Moses

Chapline and Thomas McKean Thompson, trustees. By an Act of Assembly passed in 1852, the trustees of Brooke Academy were authorized to transfer their property to the Meade Collegiate Institute. But by Act of February 6, 1862, the Corporation of Brooke Academy was revived, and Hugh W. Crothers, Danforth Brown, Sr., David Fleming, Obadiah W. Langfitt and Samuel George appointed trustees.

Bethany.—The village, seven miles southeast of Wellsburg, was laid out in 1847 by Alexander Campbell, and as his home will ever be prominent in history.

CAPTAIN OLIVER BROWN, who resided many years in this county, was a native of Lexington, Massachusetts. His ancestors were among the first settlers of that State. He was an eye witness of the "Boston Tea Party," and a participant in the battle of Lexington. He commanded the party of volunteers who converted the leaden statue of King George into bullets for the American army. He served throughout the war, and in 1790, moved west and settled in Wellsburg, then Charlestown, where he died in 1846, aged ninety-three years.

ALEXANDER CAMPBELL.—This noted man was born in Ireland, September 12, 1786. His maternal ancestors were French Huguenots, and fled from their native country upon the revocation of the Edict of Nantes by Louis XIV. in 1685. He completed his studies at Glasgow University, and in 1808, came to America and joined his father, who was laboring as a Minister of the Gospel in Washington county, Pennsylvania. In 1811, he married Margaret Brown. Shortly after his marriage he removed to what is now Bethany, Brooke county. Here in his own house he opened a school which was

designed to prepare young men for the ministry. It was called Buffalo Academy, and resulted in the founding of Bethany College. He died in 1866. Samuel M. Schmucker says of him: "Alexander Campbell, the chief founder of this denomination—the Disciples of Christ—was, without question, one of the ablest polemics and theologians in this country. He spent a long and active life in preaching the doctrines he believed and establishing churches and institutions which are intended to diffuse education and theological knowledge." Two thousand churches, with one hundred thousand members in our own country and many followers in other lands, attest his success.

PATRICK GASS, author of *Gass' Journal of the Lewis and Clarke Expedition to the Pacific*, was long a resident of this county. He was born near the present site of Chambersburg, Pennsylvania, June 12, 1771. Soon after the family removed to Maryland, but soon returned to Pennsylvania, and settled near where Washington, in that State, now stands. In 1792, Patrick served as a soldier on the frontier, and after the close of the hostilities on the upper Ohio, accompanied the command of General Wilkinson in the descent of that river. In 1802, he was with the detachment of Captain Bissell on the Tennessee river, and the next year went with the same to Kaskaskia, Illinois. Here he enlisted as a member of the Lewis and Clarke Expedition, then fitting out at St. Louis for the exploration of the Pacific Coast. The story of his adventures, together with that of his companions, is told in his "Journal" printed at Philadelphia in 1812. After the return of the expedition, he lingered for a few months at Wellsburg, then again went west. When the War

of 1812 came on, he was at Nashville, Tennessee, and enlisting in the command of General Gaines, served throughout the struggle, participating in the battles of Chippewa, Lundy's Lane and Fort Erie. In 1831, he wedded a daughter of John Hamilton, of Brooke county, and reared a family of seven children. He died April 2, 1870, at the advanced age of nearly ninety-nine years. He was the last survivor of the Lewis and Clarke Expedition.

WOOD.

Wood county was formed from Harrison by Act of Assembly passed December 21, 1798, by which it was declared, "that all that part of the county of Harrison, lying westwardly of a line to begin thirty miles from the Ohio river, on the line dividing the counties of Harrison and Kanawha ; thence northeasterly to intersect the line of Ohio county at twenty-one miles distance from the Ohio river on a straight line from that point where the Ohio county line strikes the said river, shall, from and after the first day of May next, form one distinct county to be called and known by the name of Wood county."

JAMES WOOD.—The county was named in honor of James Wood, the son of Colonel James Wood, the founder of Winchester, Virginia ; he was born about the year 1750, in Frederick county, which he represented in the Virginia Convention of 1776, which framed the State Constitution. He was appointed by that body, November 15, 1776, a colonel in the Virginia line and did valiant service in the cause of Freedom. He was long a member of the Council of State, and by seniority, Lieutenant-Governor of Virginia. He was elected Governor of the State, December 1, 1796, and served until December 1, 1799. Governor Wood was subsequently commissioned Brigadier-General in the United States Military, and served long as President of the Order of Cincinnati. He died at Richmond, June 16, 1813.

First Courts.—August 12, 1799, the Justices of Wood county met at the house of Hugh Phelps. They were John Bennett, Thomas Pribble, John Henderson, Caleb

Hitchcock, Abner Lord, Joseph Spencer, Thomas Lord, and Ichabod C. Griffin. William Lowther became the first sheriff and John Stokely first clerk. The court then fixed the location of the Court house and other public buildings at Neal's Station. John Neal and Peter Misner were recommended to the Governor as fit persons for coroner, and Harman Blennerhassett, John Neale, Daniel Kincheloe, Jacob Beeson and Hezekiah Bukey for justices. John Stephenson was appointed Commissioner for the county, at the November term, 1799.

There was some difficulty in getting a sufficient number of justices to serve, and it was not until March 10, 1800, that there was a full bench. Then the justices were Hugh Phelps, Thomas Pribble, John G. Henderson, Hezekiah Bukey, John Stevenson, Daniel Kincheloe, William Hannaman, Thomas Lord, Caleb Hitchcock, Abner Lord and Ichabod C. Griffin. Nathaniel Davison was appointed Attorney for the State; Robert Triplett qualified as Surveyor, and Peter Misner as Coroner. Elias Lowther was appointed to ascertain and mark the boundaries of the county.

October 13, 1800, it was "ordered by the court that the necessary public buildings be erected on the lands of Isaac Williams, on the Ohio, opposite the mouth of Muskingum river, where the said Williams' barn now stands, and that the court be held at the house of Isaac Williams. Here the court convened at the next term, November, 10, 1800, and a vote was again taken on the location of the county seat, when ten to six voted to return to the house of Hugh Phelps, and the court adjourned to meet there the next morning."

The same term, "at a full court held at the house

of Hugh Phelps, it was unanimously agreed that the point above the mouth of the Little Kanawha river, at the union of the said Kanawha and Ohio rivers, on lands owned by John Stokely, is the proper place for the seat of justice, and it is accordingly ordered that the necessary public buildings be erected thereon." It was further unanimously agreed by each member of the court: "We will support the above order and never will raise any legal objection to the same." Then the court adjourned "to meet at the point at the upper side of the Little Kanawha where a block-house has been built."

February 1, 1802, it was ordered that a jail, stocks and pillory be built at the point on the Kanawha on the ground laid off for that purpose. This order was carried into effect by the commissioners, Joseph Cook, John Stephenson and Thomas Lord, who contracted with James G. Laidley to construct the same.

August 28, 1803. The grand jury returned into court with two indictments, to wit: Samuel Pugh, Jr., for swearing *seven* profane oaths within two months past; and Evan Pugh, for swearing *nine* profane oaths within two months past."

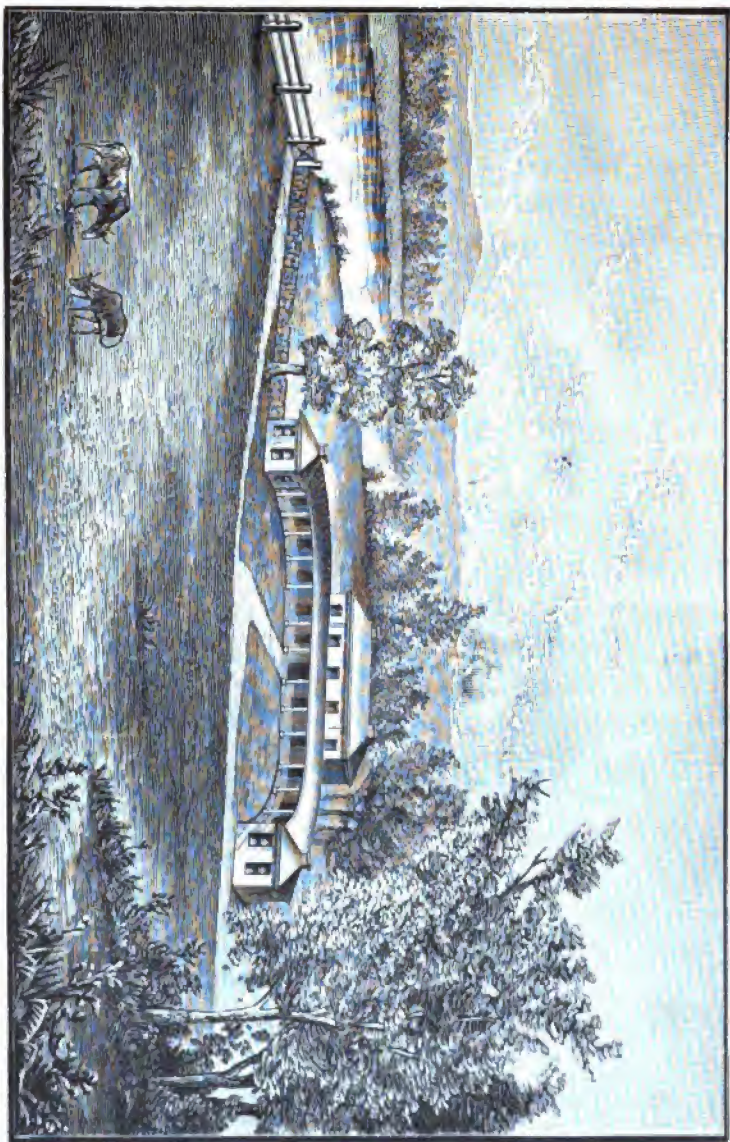
Parkersburg.—In the year 1773, Robert Thornton, of Pennsylvania, made his settlement right—a tomahawk entry—to four hundred acres of land, including that on which the town now stands, and in 1783, it was confirmed to him by the Virginia Commissioners of lands.

In December, 1783, James Neale, assistant of Samuel Hannaway, surveyor of Monongalia county, surveyed two tracts of land for Alexander Parker, of Green county, Pennsylvania, assignee of Robert Thornton, and July 3, 1787, patents were issued by the State.

Mr. Parker died about the year 1800, and the lands descended to his daughter Mary, who married William Robinson, Jr., of Allegheny City, Pennsylvania. The title was as usual disputed, John Stokely, being one of the contestants. The Parker heirs saved about seven hundred acres. At the time the county seat was located the town was called "The Point." A half-dozen log cabins composed it. Occupying them were the families of William Enoch, Caleb Bailey, John Stephenson, Jesse Murdock, Edward Stephenson and John Stokely. Stokely's patent was dated December 8, 1800, and he laid out the town of Newport on the Parkersburg side, and it was so known until 1809; then the above-mentioned heirs of Parker gained the land from Stokely, and December 11, 1810, the town was laid out and named Parkersburg. The plat was recorded in 1816. The present court house was built in 1815. The first was a log house in Stokely's town of Newport.

Blennerhassett's Island is situated in the Ohio river two miles below Parkersburg. Its historical associations render it an object of interest to all. To tell the story would be to write a volume. Once the home of luxury and refinement, it has become a "Deserted Isle." In its desolation is told the fate of ambition.

Harman Blennerhassett was a representative of a distinguished and wealthy Irish family, but was born in England during the temporary residence of his parents in that country. He began his education in England, but graduated at the University of Dublin, after which he entered the profession of law. In England, he married Miss Adeline Agnew, who was a granddaughter of General Agnew, who was with Wolfe at Quebec. Soon after he sold his estate in Ireland and



THE BLENNERHASSETT MANSION.

sailed for America, landing at New York, where he was hospitably received by the first families. In 1797, he journeyed to Philadelphia, and from there came to Marietta in 1798. Having purchased the beautiful island which now bears his name, he began the erection of a splendid mansion, the architect being a Mr. Greene of New Castle, Pennsylvania, and the carpenters coming from Philadelphia.

Harman Blennerhassett was an accomplished scholar, well versed in mathematics and languages and possessed of refined tastes and manners. So perfect was his memory, that it is said he could repeat the whole of Homer's Iliad in the original Greek. He brought with him to his island home a library of choice and valuable works and a complete set of chemical apparatus and philosophical instruments, to the accommodation of which one wing of the mansion was appropriated. Possessed of an ample fortune to supply every want, a beautiful and accomplished wife and lovely children, he was surrounded with everything which can make life desirable and happy. The adjacent settlements of Belpre, Parkersburg, and the more distant one of Marietta, although buried in the heart of the wilderness, contained many men of cultivated minds and refined manners, with whom he held constant and familiar intercourse, so that there was lacking none of the social advantages which his remote and insular situation would seem to indicate. Beneath his hospitable roof were many merry gatherings of the people of these towns, when song and dance echoed through the halls.

In 1805, Aaron Burr, the slayer of Alexander Hamilton, when descending the Ohio, landed uninvited upon the island, but met with a cordial reception. He re-

mained only three days, but that was too long. In this short period he succeeded in enticing the unsuspecting Blennerhassett into his plans. These were to settle an armed force on the Wichita, for the purpose of colonizing that region, and, in the event of a war between Spain and the United States—at that time threatened—to conquer Mexico. To Burr, Blennerhassett advanced large sums of money, the former giving as his security his son-in-law, Joseph Alston, afterward Governor of South Carolina. The scheme progressed, and in the meantime Blennerhassett had a flotilla of small boats, about twenty in number, built at Marietta, destined for use in the southern expedition. The peculiar form of the boats excited apprehension, but there was no interference, and on a December evening in 1806, with supplies and thirty men on board, the fleet began the descent of the river. On the same day Colonel Hugh Phelps, commandant of the Wood county militia, received orders to arrest Blennerhassett and his associates. Late at night, with a body of the military, he proceeded to the island; but it was too late. Colonel Phelps at once began an overland journey to Point Pleasant, hoping to intercept the boats at that place, but they had passed when he arrived. The troops were met by Mrs. Blennerhassett, who forbade them touching anything not named in the warrant. But the mob spirit ran riot, the well-stored cellars were assailed, the mansion sacked, balls fired into the rich gilded ceilings, fences pulled down to light the sentinel fires and the shrubbery trampled under foot. By the aid of friends, Mrs. Blennerhassett was enabled a few days later to embark on a flatboat with her two children and black servants, and finally joined her husband at

Louisville. Well might they look with grief in after years to the fair Eden from which they had been driven by their own indiscretion and the deception of Aaron Burr.

In the year 1812, the mansion was destroyed by an accidental fire; the garden with its beautiful shrubbery and rare plants was converted into a cornfield; the graveled avenue leading to the river was turned by the plowshare, and since that time nothing remains of the once beautiful home of Harman Blennerhassett save the name. More than fourscore years have passed away since the once happy occupants left it, still the thousands of travelers who annually pass it by rail and river, eagerly inquire after and gaze with pathetic interest upon the island.

Burr and Blennerhassett were both arrested, taken to Richmond and confined in the penitentiary. The former was acquitted and the latter never brought to trial. Blennerhassett and his family afterward went to Europe, where he died on the island of Guernsey, at the age of sixty-three years. The widow afterward returned to the United States and died in great poverty in New York, in 1842. But one representative of the family is now known to be in this country—that the wife of Joseph Lewis Blennerhassett, now residing at Troy, Missouri.

MONROE.

On the 14th day of January, 1799, the General Assembly of Virginia passed a bill entitled, "an Act to provide for the division of Greenbrier and the formation of a new county." This was the twelfth subdivision of Virginia formed west of the Alleghenies, and was named in honor of the fifth President of the United States.

The First County Court.—In compliance with the third section of the bill creating the county, the first court convened at the house of George King, which stood one mile east of the present site of Union, on the 21st day of May, 1799. The following-named justices, each holding a commission from James Monroe, the Governor of Virginia, composed the court: William Hutchinson, James Alexander, Isaac Estill, William Haynes, John Hutchinson, John Grey, John Byrnesides, William Graham, James Hanly and William Vawter. John Hutchinson was chosen clerk. John Woodward was granted license to practice law and appointed Commonwealth's attorney. Then, it being noon, it was "ordered that the court adjourn from George King's house to his barn for conveniency." Upon reassembling, Isaac Estill presented a commission from the Governor appointing him sheriff of the county. James Alexander, William Haynes and John Byrnesides became his bondsmen. John Byrnesides was recommended as a suitable person to be appointed surveyor of lands. John Arbuckle was appointed deputy sheriff.

On the second day the court turned its attention to the military establishment, and James Graham was

recommended to the Governor as one well qualified to discharge the duties of colonel of the county. John Hanly and John Hutchinson were recommended for majors; Isaac Estill, John Byrnesides, James Jones, Robert Nickell, William Graham, Samuel Clarke, Henry McDaniel and Watt Farley, for captains; Nimrod Tacket, John Hanly, Jr., George Swope, James Gray, William Maddy, David Graham, Talison Shumate and Thomas Wyatt for lieutenants, and Alexander Dunlap, Charles Keenan, James Young, James Byrnesides, James Miller, James Gwinn, James Thompson and John Harvey, for ensigns. John Leech was nominated as captain of a troop of cavalry; Robert Patton for first lieutenant, Joseph Alderson for second lieutenant, and Ervin Benson for cornet.

James Graham was then recommended as a suitable person to execute the office of coroner, and Thomas Lowe, Robert Dunbar, John Cottell, William Dison, George Foster, Enos Halstead and Joshua Lewis were appointed constables.

The First Circuit Superior Court ever held in Monroe convened at the Sweet Springs on the 19th day of May, 1800, with Archibald Stewart, judge of the district composed of the counties of Greenbrier, Botetourt, Montgomery, Kanawha and Monroe, presiding. John Skinner was appointed to prosecute in behalf of the State, and Samuel Dew was made clerk.

At this term the first grand jury that ever sat for the body of Monroe was empanelled. It was composed of the following-named gentlemen: William Royal, foreman; Dennis Cochran, John Mathews, Samuel Todd, Hugh Caperton, Joseph Snodgrass, Isaac Snodgrass, William Howell, John Peck, Joseph Cloyd, John

Lewis, William Vawter, Jacob Persinger, John Byrnesides and James Byrnesides. After receiving their instructions, they retired "to consider their presentments." Two indictments for felony were returned, one against Jack Hunt—free colored—the other against John Kincaid, both of whom were tried and acquitted at this term. The second term of this court convened at the same place on the 18th day of October 1800, at which time the celebrated Paul Carrington presided.

Union.—The present site of the town was selected by the court in 1799. January 6, 1800, the General Assembly enacted "That twenty-five acres of land, the property of James Alexander, at the court-house in the county of Monroe—as the same has been laid off into lots and streets—shall be established a town, by the name of Union; and that William Haynes, John Gray, John Byrnesides, James Hanly, Michael Erskine, John Hutchison and Isaac Estill shall be, and are hereby constituted, trustees thereof."

On the 21st day of August, 1799, the trustees met and passed a resolution to the effect "that the size of the buildings must be one square log house, or stone, or brick of the same size, of sixteen feet by eighteen feet, from out to out, two stories high, of a common height, with a shingle roof, and chimney of brick or stone, to be floored and finished in the inside in a workmanlike manner."

Richard Shanklin is said to have been the first merchant; he began business in 1800. Henry Alexander and Hugh Caperton began business in 1802. The first hotel proper was built by Charles Friend, in the same year. The post-office was established in 1800, with James A. Shanklin as postmaster.

The town was incorporated in 1868. The first officers were: Alfred Phillips, Mayor; Lewis Calaway, Recorder; Andrew Ira Prentice, A. G. Tebbetts, G. W. Davis, John R. Wiseman and William Monroe, Councilmen, and D. C. Calaway, Sergeant.

Alderson.—The town derives its name from the Alderson family, in whose possession the land on which it stands was, for nearly a hundred years. It is beautifully situated on the south bank of the Greenbrier river. The town was surveyed and platted in 1871, by Elliot Vawter, ex-surveyor of lands for Monroe county. George W. Nickell purchased the first lot, and M. L. Harwood built the first dwelling-house. Lewis F. Watts was the first merchant. Morgan Conner and B. F. Jones were the first druggists. B. A. Knapp was the first jeweler, and W. L. Lynch the first resident minister.

The town was incorporated in October, 1880. The first officers were as follows: A. E. T. Scruggs, Mayor; George Alderson, Recorder; William Boa, W. L. Barksdale, J. L. Fainer, J. G. Loban and C. W. Vandergrift, Councilmen; I. E. Bare, Marshal.

The First School in the county was taught in 1795, by Samuel Harper. The school-house was a cabin constructed from round logs. The clapboard roof was held in place by ridge-poles, and the floor made of thick slabs or puncheons.

The First Land Surveys in the county were made within the present limits of Sweet Spring district. The first land located was a tract of one hundred and fifty-four acres, including the Sweet Springs, by John Lewis, in the year 1760. On the 25th of September, 1760, a tract of 490 acres was surveyed for John

Dickinson, and in 1700, a tract of 1220 acres, including the Sweet Chalybeate Springs, was surveyed for John and Andrew Lewis. About the year 1775, John Alderson and his brother-in-law, William Morris, visited the Greenbrier country, each bringing a patent for 1200 acres of land. They decided to locate these in the vicinity of the present town of Alderson, but, upon investigation, found that Samuel Lewis had located a large tract just below where the town now stands. Alderson could not find the northern boundary of the Lewis lands, and made his survey so as to include the bottom lands just below the town. He afterward learned that his grant "shingled," or lapped over, on the Lewis survey, and accordingly extended his further into the mountains, so as to include the 1200 acres. Morris crossed to the north side of the river, and selected the site of his future home. Alderson built his cabin on the exact spot on which the Alderson Hotel now stands.

Early Settlers.—In the year 1760, James Moss built his cabin near the Sweet Springs, and became the first permanent settler of that district. Christian Peters came to the county in 1770. From him the village of Peterstown takes its name, as does also the mountain range which here forms the dividing line between the Old Dominion and her daughter, West Virginia.

In the year 1770, within the present limits of Springfield District, Adam Mann, Jacob Mann, Valentine Cook, John Miller, George Miller and Isaac Estill built Mann's Fort. Here, for many years, these pioneers and their families took refuge from the savages. Within the walls of this rude fortress was celebrated the first marriage that occurred within the

present limits of the county. The bride was Christiana, the daughter of Valentine Cook, the groom was Philip Hammond, as brave a man as any whose name appears on the pages of frontier history. It was he who, in company with John Prior in 1778, ran from Point Pleasant to Donnally's Fort in Greenbrier, and gave the alarm in time to save the settlement from destruction.

James Alexander, who was a native of Augusta county, Virginia, visited the site of Union as early as 1772, but he did not long remain. He made an extended journey through what is now Kentucky and Tennessee, then returned to Augusta, and in 1772, settled permanently near where Union now stands. Shortly after, he sold part of his land to Michael Erskine, who also became a permanent settler.

The settlement of Rev. John Alderson and William Morris have already been mentioned. About two years later came Thomas Smithson, who settled one mile below the present site of Alderson, and Wilson Jones, who built his cabin on the summit of the mountain overlooking the site of the town; other early settlers in this vicinity were James Hardy, John Alford, Jackson Alford and John Hall. James Hardy was once out hunting and was discovered by a band of roving Indians, who at once pursued him; he ran more than a mile, and finally distanced his pursuers. The scope of country over which he passed was for many years known as "Hardy's Run."

About the year 1780, came John Nickell, Andrew Nickell and Robert Campbell, each of whom obtained a large tract of land on what is now known as the Pickaway Plains. They were soon joined by Archibald

McDowell, William Pritt, Robert Knox and James Humphreys, all of whom were recently from Ireland. Then came James Scott, James Miller, John Lemons, Charles Carr, James Steele, James Dunsmore, James Murdock, Joseph Dunsmore, Christopher Hoke and Nicholas Lake, all from Scotland.

NARRATIVE OF THE CAPTURE OF MRS. MARGARET
HANLY PAULEE BY THE SHAWNEE INDIANS.

(Dictated by herself to her grandson, Allen T. Caperton, a few years before her death.)

It was in the fall, September 23, 1779, that Margaret Paulee and her husband, John Paulee, with one child about one year old, set out from the county of Monroe on a journey to Kentucky for the purpose of establishing themselves. They were attacked by a party of Indians, who, as it was conjectured, had some notice of the projected trip, and waylaid them for the purpose of making captives. There were six Indians, and the party in company with Mr. Paulee consisted of Mr. Paulee and wife, Robert Wallis, Brice Miller and James Paulee. Each man was armed with a rifle, but there being no cause to fear an attack, only one was loaded. It was about twelve o'clock, and I was riding in front of the cattle we were taking with us, with my baby in my arms. We were about five miles from the mouth of East river when I was alarmed by the report of a gun which seemed to have been fired from behind a log, at which my horse took fright, and at the same time I heard my husband's voice calling to me repeatedly to ride back. I turned to obey the summons, when one of the party of Indians came from behind a tree, pulled me from my horse, and knocked me sense-

less with his club. What took place during this state of insensibility I never knew, except what I could gather from the Indians, but the scalp of poor Wallis and my husband's gun were objects that met my eyes upon recovering, bearing evidence of the scene that must have been enacted. There was also in our company the wife of Wallis, and also the wife and child of James Paulee. The latter were taken prisoners and placed on a log beside me after I had been restored to consciousness. It was while we sat on the log that an Indian came with the reeking scalp of poor Wallis, who of course had been killed. My husband, when he saw me dragged from my horse, ran up and fought over my body with three of the Indians, using nothing but the hilt end of his gun, when one of them put his gun to his breast and shot him through. He, thinking his wife and child were both dead, and that he had received a mortal wound, left the strife and started on his way back. He fainted several times, and observed the Indians watching him attentively, expecting him to fall from the effects of the shot. Coming to a turn in the road, he left it, probably thereby effecting his escape. He had lost his gun in the scuffle, but took another, which he carried with him. After going some distance in the wood he lay down, expecting to die, but after resting he felt revived, and, leaving his gun, set out for Wood's Fort, on Rich creek. When he came to New river he waded it, and by the guidance and assistance of John Wood he was enabled to reach the fort, where he died in a short time, under the full belief that his wife and child had fallen under the tomahawk of the merciless Indians.

After recovering from the stunning effects of the

blow which I had received, I observed my infant lying at a short distance from me, which I took in my arms, fondly hoping to afford it a shelter, but all my care was soon arrested by the approach of an Indian, who tore my child from my arms, killed it with a club, and then threw it barbarously on the ground. The child of James Paulee afterward met with the same fate. The party who went in pursuit of the Indians found the body of my child, which had been protected from the wolves by a little dog, which was lying by its side. The body of the other child had been almost destroyed by the wolves.

The five Indians, and one white man, named Morgan, who seemed more barbarous than the Indians, after possessing themselves of whatever of the baggage they could conveniently carry, and taking twelve of the horses, placed me on my horse and Mrs. Paulee on hers, and set out. The beds were ripped open, the feathers emptied and the ticking taken. We started up the north fork of East river, an Indian leading my horse. We continued on our way, traveling in the middle of the water for a mile or more, and then went in the direction of the Blue Stone, traveling all day and all night, never stopping until late the next night, when we encamped, our captors taking care to build their fire in a sink-hole. I suffered much during these two days, having had repeated falls from my horse, caused by the savage Morgan, who seemed to take a malicious pleasure in cutting my horse, and causing him to throw me over his head. I could learn nothing of their purposes but through Morgan, who informed me that they intended to take us up to a Shawnee town and make squaws of us. They took no other

precaution to secure us than to place us pretty well in their midst, and taking our shoes, which were returned to us next morning. I frequently thought of attempting to make my escape, but every time I raised my hand an Indian would raise his. I ate nothing for two or three days. The savages seemed desirous that we should partake of whatever they got to eat. Those who killed my child were now kinder than the rest. I had prepared myself with a little dried beef, biscuit and cheese, which I partook of. I also had a bottle of spirits to use in case of sickness, which was still hanging to the horn of my saddle, but becoming alarmed lest they might get drunk and become more barbarous, I loosed it and let it fall in the weeds, where it may remain to this day.

The next day we continued our route in a westward direction through a wilderness, nothing occurring until we reached the Ohio river, where they placed our saddles in a canoe and crossed it—the Indians swimming beside the horses—and then across to the Sciota, and thence to the Miami. The Sciota we crossed at the old Chillicothe town. We forded the Miami, and came in sight of the Shawnee town, where we camped, and the next morning the Indians gave their signal by firing the guns and giving a peculiar yell, that they had returned with prisoners, plunder and scalps. The object in stopping was to prepare for some ceremonies attending all those whose lot it was to be prisoners. They came shouting and rejoicing, and one of them approached me and held out his hand. I offered mine in return, when he struck me a blow which brought me to the earth. The chief of the gang that had taken us seemed enraged at this treatment, and interposed for

my protection. The sympathy created by this treatment probably saved me from the necessity of running the gauntlet, which all prisoners had to undergo, and which the savages call a welcoming. The manner of it is, a large number of squaws and Indian boys place themselves along a line, armed with clubs and switches; the prisoner is required to run an appointed distance, and to undergo all the blows that can be inflicted. I saw two boys, named Moffit, who were brought in, and forced to run the gauntlet. They were started, and one turned upon the first blow and returned it, which pleased the Indians so that he escaped the balance and was adopted. Through the interference of the chief I escaped running the gauntlet, but my fellow-prisoners were forced to undergo it, and suffered severely. We were then taken before the council, and, through an interpreter, questioned closely. They inquired particularly if my husband was not a captain, and upon my replying in the negative, they cautioned me not to tell a lie, being assured that he was a captain by the courageous manner in which he had behaved. Upon further consultation, it was decided that I should be adopted in the family of Wa-ba-kah-kah-to, into which family—having been gifted with the white wampum belt—I entered. This chief was king of the tribe, and had been at the battle of the Point, where he was wounded. After my adoption, Wa-ba-kah-kah-to told me I must be contented, to fear no one, and not to be ordered by any of the women. My greatest and most distressing apprehension was that they should take it into their heads to compel me to marry one of the Indians, and this apprehension was rendered stronger from the conduct of a white female

prisoner, who had intermarried, and hearing that it had been proposed to me, and that I had refused, came to me and urged me to the course, saying that if I did not consent I would be murdered. I communicated my uneasiness to Wa-ba-kah-kah-to, who informed me that I need not fear anything, that there would never be any compulsion if I was unwilling.

I was likewise further relieved by Simon Girty, who, soon after I was captured, came to see us and informed us that we need not fear on that score, that they were not the people to compel any one to such a course. The Indian who killed my child seemed particularly desirous to atone for his barbarity, by various acts of kindness, such as sending for me to partake of anything he got. I suffered greatly, more than I otherwise would have done, from being in a delicate condition. I saw McKee and Girty often—the former was a gentlemanly man, and there were Simon, James and George, all three had Indian wives. The Indians thought a great deal of McKee and Girty. There was an Indian chief named Blue Pocket, who had married a half French woman of Detroit, who lived in great style, had curtained beds and silver spoons. I was fond of visiting this house. They always seemed kind, and desirous of giving me tea, etc. He had his negro slaves; so had McKee.

Nothing of moment occurred until the May after my capture, when my little boy was born. An old Indian squaw took a chunk of fire and conducted me to the wood, where I was left alone with nothing but a shelter of bushes over me for the space of ten days, when I was permitted to return to the town. The squaws seemed very much delighted with my child, carrying it

through the town, showing it with great joy, seeming to think it a beauty. There was a string of corn brought me and a mortar to pound it in, but luckily a man from Detroit, who had engaged me to make him a shirt, came with a kerchief of flour. About a year after I had been taken, I met with a young man named Thomas McGuire, who had previously been taken by the Indians, but got out of their hands by joining a company of rangers, who informed me all about the defeat and death of my husband. Nothing of importance occurred until the summer of 1780, when Colonel Clarke made his incursion upon the Indians. The Indians knew of Clarke's advance from the time he crossed the Ohio, and seemed very much alarmed. I was taken, with other prisoners, and secreted in the woods within hearing of the firing. After the battle was over we returned to the town, Pickaway, which was entirely laid waste, where we stayed about a week—gathered some corn and dried it, when I was taken with the fever and ague. We then left and went on fifty or one hundred miles. I had my horse and saddle, which I was permitted to ride, while the squaws carried large packages. We went where the hunting was good, and lived the whole winter on meat. I suffered with fever and ague about eight weeks. At this place we settled, lived in camp during the winter, and afterward built a town, which was called McKeestown. I employed myself in sewing, got two shillings a shirt and made four a day. In the summer of 1782, there arose a difficulty which had nearly put an end to my career. A party of Indians, headed by the same individual who had taken me prisoner and killed my child, agreed upon an expedition into Kentucky for the same purpose that

had formerly taken them into Virginia, which expedition terminated by the death of the chief Wabapusito, the son of Wa-ba-kah-kah-to.

The news of his death was received with sorrowful lamentations by all of the tribes. His father was inconsolable and required something to appease him for his loss. There had been taken in Kentucky two boys, Jack Calaway, about nine years old, and Dicky Hoy, about twelve, who were placed with us and lived in Wabapusito's house. The old chief, notwithstanding all the partiality he had shown for me, was so grieved by the death of his son that he conceived the horrid idea of avenging his loss by burning within his own house the prisoners he had made, the two boys and myself. I had observed a considerable commotion for several days before I was enabled to ascertain its cause, when, by accident, as I passed a blacksmith shop I overheard the white man inquire if that was the woman to be burned. This made me inquire, and to my surprise and horror I learned that the old chief had resolved upon my destruction. I also learned further, that the greatest exertions had been made to avert our doom; that numbers of Indians had interceded in our behalf; that McKee had been sent for to exert his authority, and that preparations had been made to steal us off in the event of a failure with the old chief by any other means. There was an assembly of nearly all the tribes of the Shawnees. Wa-ba-kah-kah-to and another chief of considerable character, sat over the council fire the whole of the night consulting upon the place of our death, and Wa-ba-kah-kah-to intent upon burning us. This I ascertained through my own ears, for having learned enough of the Shawnee language

to understand the principal part of what was said, I concealed myself in their vicinity and heard all that passed between them. The morning after this, however, a messenger arrived from McKee, with a wampum belt and a talk, the substance of which was that he would not suffer the execution.

The old chief, I suppose, finding himself opposed by so many, and so violently, proposed at length that if the interpreter would give him a handsomely-mounted rifle which he had in his hand, all would be forgotten, to which the interpreter immediately acceded, and thus a rifle-gun appeased what all argument of prudence or mercy, aided by an acknowledged partiality, failed to effect. After this took place, the chief's manner and treatment were the same. Following the advice of McKee, I disguised my knowledge of what had been in contemplation. The two boys were adopted, and little Jack Calaway was placed with me.

I heard through the Indians of Crawford's defeat, capture and death; saw the Indians, upon their return from the fight, with scalps. The reason they gave for treating Crawford so barbarously was in retaliation for accounts of the death of Cornstalk, a Shawnee king, who commanded at the battle of Point Pleasant, and who surrendered himself and sons as hostages, and were treacherously murdered by Arbuckle's men who were stationed at the Point. This was contrary to the commander's orders, and done under the pretext that Cornstalk's friends had murdered one Gilmore a short time before. It is stated in a book called "Border Warfare," that an Indian calling himself John Hollis, who pretended friendship toward Captain Arbuckle, but betrayed him, was recognized as one of the slain

at Donally's Fort ; but this is a mistake, as I saw and talked with Hollis, during my captivity among the Shawnees, about his exploits in Greenbrier.

The marriage ceremony among the Shawnees consists in boiling a large vessel of dumplings, which were served out in small vessels that every guest is expected to bring for the wedding. The dumplings the guests take home and eat, and the day following the groom goes out and kills a deer, which he presents to his wife, who takes it to her mother. She gives him bread and he gives her meat. The squaws do the principal part of the courting, the men being, for the most part, modest even to bashfulness. From the time of his adoption, little Jack Calaway lived with me and was a great comfort and relief. He had to take his morning plunge with the Indians, winter and summer, and frequently has he come into the cabin with icicles hanging from his hair. I always had a fire for him.

Between the period of Crawford's death and the time an attempt was made to ransom me, nothing occurred worth transcribing. I lived as comfortably as one could among savages and apart from friends, without any tolerable probability of ever seeing them again. The hostile feelings between the Shawnees and the Americans had not subsided. In the summer of 1782 there were strong but ineffectual attempts made to redeem me. The old chief replied to all their proposals that I was not a slave to be sold, and that he would not part with me. I was adopted and had become one of his family. A Mr. Higgins, whose generous exertions in my behalf can never be forgotten, tried hard. The old chief's feelings were sincere, and I do not think that any price could have over-

come them. Indeed, there seemed on the part of all the Indians, especially the squaws with whom I had been living, an attachment toward me as ardent and affectionate as any I ever knew among my own kindred and friends. My feelings toward the old chief were, of course, anything but affectionate after I discovered his desire to sacrifice me and my child to appease his anger on account of the death of his son, and when I perceived that the only obstacle to my redemption was his will, it will not be wondered at that I wished, nay, that I prayed fervently for his death. My prayer, however sinful it may seem, was followed by his death. On the day before he died I was summoned to attend him, when he expressed a consciousness that his end was nigh. Directing my attention to a point in the sky, he informed me that when the sun reached that place his spirit would take its flight. This presentiment was correct, for precisely at the time he appointed he expired. He expressed great concern for my situation, was fearful that my cabin would not be supplied with wood, and manifested a regard for me which he could not have felt had he known my anxiety for his death. My friend, Mr. Higgins, immediately after the old chief's death, commenced negotiating for my ransom with the son of the old man, into whose custody I had gone, and after a short time succeeded by paying the sum of two hundred dollars. Yet there was an obstacle—the Indians were desirous of detaining my child, having taken it into their heads that it was not included in the bargain. A general council of the Shawnees was assembled, before which I was summoned and their views made known regarding my child. They alleged that if they were to keep the

child they would thereby have a pledge that I would occasionally visit them—to all of which I replied that I would never go without my child, that if it remained I would likewise. After this reply and a short consultation, it was announced to me that I should be permitted to go and take my child with me. When I made known to the squaws my determination of leaving, their demonstrations of sorrow at parting with me were truly affecting. Notwithstanding the prospect of again meeting with my friends, I could not but shed tears upon parting with the poor creatures, who seemed so sincerely attached to me, and I shed tears of both joy and sorrow. Poor little Jacky! what would I not have given to have taken him with me when he was exclaiming, “What shall I do now?”

I was taken to Mr. McCormick, where I lived until the following spring, when I set out for my home in company with eight other ransomed captives, and had a tedious travel through a wilderness the greater part of the way, during which time we suffered much for want of something to eat. For three days we had nothing whatever to eat, and my poor child would have died had it not been for the nourishment afforded by a few seeds with which I provided myself before leaving the Indian settlement. I had the good fortune soon afterward to procure a pheasant from a hawk, which enabled myself and my child to stand it better. After eight days we reached Pittsburgh, when I was made sensible of the effects of habit by being placed on a feather bed, where it was impossible for me to sleep. From Pittsburgh home we had a very pleasant journey.

My son John Paulee grew up with every promise and prospect of doing well. He went as secretary to

a fur company, and had succeeded in laying in a fine quantity of furs, with which he and the company were descending the Yellowstone river, when they were attacked by a tribe of Mandan Indians, who murdered nearly all, he being among the number. Little Jacky was redeemed about a year after I left him, and came to Kentucky, where he lived to a good old age.

Polly Paulee, my sister-in-law, who belonged to a couple of squaws, succeeded in making her escape about a year before I was redeemed. She had been permitted to go on a visit to Detroit for the purpose of trading, and while there gave them the slip. She was protected by the Governor of Detroit, at whose house she afterward married an officer named Myers. This officer tried hard for my redemption. With this man she went to England, and afterward returned to Georgetown, where she was finally murdered.

JEFFERSON.

Jefferson county was formed by Act of Assembly, January 8, 1801, from Berkeley, and named in honor of President Jefferson. The Act provided that from and after the twenty-sixth day of October next, "all that part of the county of Berkeley lying eastwardly of a line beginning at Opeckon creek in the Frederick line; thence with the said creek to the bend immediately below Wallingford's tavern; thence running a direct line to Wyncoop's spring on the public road leading from Martinsburg to Shepherdstown, and thence with the meanderings of the spring run to its confluence with the Powtomac, shall form one distinct county, and be called and known by the name of Jefferson."

The Act made Charlestown the county seat, and provided that the first court should be held at the house of Bazil Williamson.

Charlestown, the county seat, was legally established a town in October, 1786, on lands of Charles Washington, whose Christian name it commemorates. He was a brother of the first President of the United States. The first trustees were John Augustine Washington, William Drake, Robert Rutherford, James Crane, Cato Moore, Magnus Tate, Benjamin Rankin, Thornton Washington, William Little, Alexander White and Richard Ranson. Charlestown Academy was incorporated December 25, 1797, with Elisha Boyd, John Dixon, Edward Tiffin, William Hill, Thomas Rutherford, George North, Alexander White, Ferdinand Fairfax, George Hite, Samuel Washington, Thomas Griggs and Gabriel Nourse, trustees.

Shepherdstown, then Mecklenburg, was established a town in November, 1762, and was laid out by Captain Thomas Shepherd. In 1790, just after the Act was passed by Congress providing for the location of ten miles square for the National Capital at some place on the Potomac, Shepherdstown made an effort to secure the prize. A newspaper of that date published the following item of news:—

“SHEPHERDSTOWN ON THE POTOWMACK,
November 15, 1790.

“Very liberal subscriptions have, within a few days past, been obtained in the town and vicinity, to be appropriated toward erecting the Federal Building, provided the Seat of Government be located so as to include Shepherdstown within the District.”

By an Act of Assembly passed January 11, 1798, an extensive addition was made to the town from the lands of Henry Cookcas, William Brown, John Morrow and Richard Henderson, and the name was changed from Mecklenburg to Shepherdstown.

The town is famous in history as having been the residence of James Rumsey, who was the first man in the world to propose steam as a substitute for wind in propelling vessels. He built a steamer on the Potomac in 1784, which was tested in the presence of General Washington and other distinguished men of the day. The material and workmanship, together with the tools used, were those of an ordinary blacksmith shop, the boilers being made of gun barrels. After patenting his invention Rumsey went to London, where greater facilities were offered for perfecting his engine. There he built a steamer, which, when tested on the Thames, proved but a partial success. After-

ward, while explaining the principles of his invention before the Philosophical Society of London, he burst a blood vessel and fell dead upon the spot. His enterprise fell for the time, with its projector, but was afterward renewed by Robert Fulton, who, by adding paddle or bucket wheels, made steam navigation a success.

Harper's Ferry, famous in history as the scene of John Brown's insurrection, and because of the military operations in and around it during the Civil War, both of which are treated at length in Part I. of this work, was established a ferry in 1748—the first west of the Blue Ridge. It commemorates the name of Robert Harper, who settled near by in 1734, when George Washington was an infant in his mother's arms. The town was incorporated March 24, 1851.

Smithfield was made a town by act of January 15, 1798, on lands of John and William Smith, with John Packett, Moses Smith, John Smith, Jacob Rees and Joseph and John Grantham, Trustees.

In the western part of this county there lived within a few miles of each other, after the war of the Revolution, three generals, officers of the American army—Adam Steven, Horatio Gates and Charles Lee. The last will of the latter is now on record in the clerk's office of the adjoining county of Berkeley, and its text throughout is characteristic of its eccentric author. The following is an extract:—

"I desire most earnestly that I may not be buried in any church or churchyard, or within a mile of any Presbyterian or Anabaptist meeting-house, for since I have resided in this county I have kept so much bad company while living that I do not choose to continue it when dead."

MASON.

The present area is 432 square miles. The county was formed from Kanawha by an Act of the General Assembly passed January 2, 1804, and was named in honor of the celebrated George Mason, one of the prominent actors on the theatre of the Revolution. He was born in 1725, and early in life won the esteem of his fellow-citizens, who paid him homage because of his expansive mind, profound judgment, cogency in argument and learning in constitutional law. He was the deviser of the Constitution of Virginia, and a member of the Convention which framed the Federal Constitution, but he did not sign that instrument. In connection with Patrick Henry he opposed its ratification by the Virginia Convention, believing that it would be the conversion of the Government into a monarchy. He died at "Gunstan Hall," his country seat, in 1792.

The First Court in the county was held at the residence of William Owens, in the town of Point Pleasant, July 3, 1804. The following justices composed it: Francis Watkins, William Clendenin, William Owen, John Roach, Maurice Reynolds, Edward McDonough, John Henderson, John McCulloch, Michael Rader and Andrew Lewis. Francis Watkins, having received a sheriff's commission, proceeded to open court. William Sterrett qualified as Clerk of the court, having received a commission as such from John Page, Governor of the State. Sylvester Woodward, John Kerr and Robert Robinson were granted license to practice law in the courts of this county. Mr. Woodward was appointed Commonwealth's Attorney, and Samuel Clemens Commissioner of the Revenue. Robert

McKee was appointed surveyor of lands. William Owens was recommended as a "proper person to be commissioned Colonel of the county, and Jesse Bennett as a suitable person to be made Major of the same."

Point Pleasant.—The settlement of the town dates back to the battle of 1774, the place never having been abandoned after that time. For several decades after the founding, the town did not flourish. A popular superstition prevailed that a curse rested upon the place because of the fiendish murder of Cornstalk, November 10, 1777. The first mention made of the place in the Acts of the Assembly was December 26, 1792, when an act was passed establishing a ferry at this place. December 19, 1794, the General Assembly enacted "That two hundred acres of land, the property of Thomas Lewis, at the mouth of the Kanawha river, in the said county of Kanawha, as they are already laid off in lots and streets, shall be established a town by the name of Point Pleasant, and Leonard Cooper, John Van Bebber, Isaac Tyler, William Owens, William Allyn, John Reynolds, Allen Prior, George Clendenin and William Morris, gentlemen, appointed trustees thereof." The town was incorporated in 1833.

The first Englishman, so far as there is any record, who saw the site of Point Pleasant, was Christopher Gist, the agent and surveyor of the Ohio Land Company. In the year 1749, he set out on a tour of exploration north of the Ohio, where the lands of his employers were located, and in 1750, when on his return, reached the mouth of the Great Kanawha river, and the historian says: "He made a thorough exploration of the country north of that river." His journal may be seen

in the library of the Massachusetts Historical Society, where it is preserved.

The first white woman that saw the mouth of the Great Kanawha was Mary Ingles, who was taken prisoner by the Shawnee Indians, July 8, 1755, at the time of the Draper's Meadow Massacre—now Blacksburg, Montgomery county, Virginia. A few days after she passed the site of Point Pleasant on her way to spend a period of captivity beyond the Ohio. Four months later, when returning to her friends on the upper waters of New or Wood's river, she again saw the place.

In 1763, Mrs. Hannah Dennis, when returning to her home on James river, after passing three years in captivity among the Shawnees, crossed the Ohio river on a drift log at the mouth of the Great Kanawha, and many days later reached Fort Young on Jackson's river.

In 1764, Captain William Arbuckle, a daring pioneer, reached the site of Point Pleasant. It is a matter of record that he was the first white man who traversed the Kanawha valley.

Washington reached the site of Point Pleasant in October, 1770. With him were Dr. James Craik, Joseph Nicholson, Robert Bell, William Harrison, Charles Morgan, Daniel Renden and Colonel William Crawford. An encampment was made on the spot where Point Pleasant now stands, and the work of surveying at once began. "A large sugar tree and sycamore at the mouth of the Kanawha and immediately on the upper point," was marked as the place of beginning. From this point a line was run to the mouth of Three-mile creek on the north side of the Kanawha; then a zigzag line to a point on the Ohio

one mile below Letart Falls; thence a line with the meanderings of the Ohio to the place of beginning. The survey contained eighty square miles, and was subdivided among the patentees as follows: A tract of 9876 acres, including the present site of Point Pleasant, for Andrew Lewis; a tract of 5000 acres for George Muse; a tract of 5000 acres for Peter Hogg; a tract containing 8000 acres for Andrew Stephens; another tract of 3000 acres for Peter Hogg; another tract of 5026 acres for George Muse; a tract of 3400 acres for Andrew Waggener; a tract of 6000 acres for John Poulson; a tract of 6000 acres for John West. Operations were then transferred to the lower side of the Kanawha, and a tract of 13,532 acres were surveyed for Hugh Mercer, and lastly, a tract of 10,990 acres for George Washington. These lands were granted to the several patentees for services during the French and Indian War. Every one of them, it is believed, was with Braddock at the battle of Monongahela.

On the 1st of October, 1774, General Lewis' army, 1100 strong, under the guidance of Captain William Arbuckle, reached Point Pleasant, and on the 10th of the same month waged the most fiercely contested battle ever fought with the Indians in Virginia, if not on the continent. That evening, as the sun sank behind the low hills of the western wilderness, one hundred and forty wounded Virginians were borne by more fortunate companions into the encampment. A hundred detailed men at once reared the walls of Fort Randolph, and from that bloody October day to the present time an English-speaking people have dwelt at Point Pleasant.

Captain Arbuckle was placed in command of the fort, and in this capacity he was serving in February 1778, when visited by General George Rogers Clark, then on his way to Kentucky to lead the expedition against the British posts of Kaskaskia and Vincennes. Captain Arbuckle left Lieutenant McKee in command and accompanied Clark in his western campaign.

Grave of Cornstalk.—At the time of the murder of Cornstalk (see Chapter X., Part I.), his remains were buried near the fort where he fell, at the intersection of the present Viand and Kanawha streets, but August 4, 1840, when the former street was opened, his remains were removed and reinterred within the court-house enclosure, where they now repose; but like those of his illustrious adversary of 1774, there is neither stone nor mound to indicate the spot. The place, however—thirty yards or less from the rear entrance to the court house—is well known. Prior to the late Civil War, Charles Rawson, son of the jailer, at his own expense, put a rail fence around the grave, and his sister, Susan Rawson, planted rose bushes upon it. During an occupation of the town by Federal troops in 1863, the rails were burned and cattle destroyed the roses, since which time the grave has been neglected.

Eulin's Leap.—In the spring of 1788, Benjamin Eulin, who was then insane, was out hunting in the woods below Point Pleasant, when he was discovered and pursued by an Indian. He threw away his silver-mounted rifle to arrest the attention of the Indian and gain time for himself. The Indian stopped to pick it up. Eulin unexpectedly came to a precipice and fell headforemost through a tree, striking a branch, which threw him over so that he came to the ground upon

his feet. The fall was fifty-three feet. He then leaped another precipice twelve feet in height and escaped. This precipice is in sight of Point Pleasant and may be seen from steamers on the Ohio.

Murder of Rhoda Van Bebber.—One morning, a few years after the close of the Revolution, a daughter of Captain John Van Bebber, named Rhoda, aged seventeen, and Joseph Van Bebber, a lad of thirteen, a brother of Captain John Van Bebber, crossed in a canoe to the west side of the Ohio, opposite Point Pleasant, to see Rhoda's father, who was living temporarily on that side of the stream. Suddenly Indians made their appearance. Dave, a black man belonging to Captain Van Bebber, gave the alarm and rushed into the house. The Indians attacked the house, but were driven off by Dave and Captain Van Bebber, with a loss of two of their number. Joseph and Rhoda in terror fled to the canoe. The Indians pursued, killed and scalped Rhoda and took Joseph a prisoner to Detroit. Rhoda's scalp the Indians afterward divided in two pieces, which they sold to traders at Detroit for thirty dollars each, the object in purchasing was to encourage Indian incursions, thus preventing the settlement of the country by the whites, and rendering it easy to monopolize the Indian trade. Joseph stated that the barrel into which the scalps were thrown was filled with the horrid trophies. He remained with the Indians two years, during which time he learned their language and served them as an interpreter. He made his escape, and after Wayne's victory returned home. While at Detroit he made the acquaintance of Simon Girty, then a British pensioner for services during the Revolution. Girty denied to him that he

was the instigator of Colonel Crawford's death, claiming that he went so far to save him that his own life was in danger.

The Last Incursion made by any considerable force of Indians in the county was in May, 1791, when a party of eighteen white men were attacked by thirty Indians at a point on the Ohio, one mile north of the fort at Point Pleasant. The whites were defeated. Michael See and Robert Sinclair were killed, and Thomas Northrop Hampton and a black boy belonging to See, were borne off prisoners. William See, son of Michael, was born in the fort at Point Pleasant the same evening his father was killed. The black boy never returned; he became a chief among the Indians and took part with the friendly tribes against the British during the War of 1812. William See went as a volunteer with the Mason County Riflemen to the Northwest in 1813, and there became acquainted with the colored chief, and was informed by him that the Indian who shot his father twenty-two years before was still living, but very old and totally blind. See desired to see him, but the chief, fearing he would avenge the death of his father, refused to reveal his whereabouts.

Capture of the Misses Tyler.—About the year 1792, there resided within the fort at Point Pleasant a family of the name of Tyler, in which there were two young ladies. It was customary at that time to put bells upon the cows and to permit them to graze without the stockade, into which, however, they were driven at night. One evening in the autumn of the year, these ladies left the fort for the purpose of driving in the cows. Hearing the bells on the hill in the rear of the

fort they proceeded in the direction from which the sound came. On reaching the top of the hill several Indians, who had taken the bells from the cows and were using them as a decoy, rushed upon the ladies and made them prisoners. Having cut the skirts from their dresses that they might travel the more rapidly, they at once began the long and tedious journey to Detroit, where shortly after their arrival the younger died of a broken heart. The elder remained a prisoner until after Wayne's treaty in 1795, when she was married to a French trader in Canada, after which she returned to Point Pleasant and spent six months with her friends, then bidding a final adieu she departed to again join her husband who awaited her in Detroit. She died at an advanced age in Montreal.

HON. JOHN HALL, President of the Convention that framed the first Constitution of West Virginia, was a resident of this county. He was born in County Tyrone, Ireland, April 11, 1807. His parents were John and Margaret Houston-Hall, who emigrated to America in 1813, and settled in Rockingham county, Virginia. They had issue two sons—John and Thomas—the latter of whom removed to Pennsylvania, and his descendants still reside at Little Washington in that State. The former, together with his parents, removed to Mason county in 1829, but two years later the parents returned to Rockingham county, leaving the son residing in the family of Robert McDonough, at Point Pleasant. Here he began life as a farmer, cultivating the lands upon which the town of Henderson now stands. In 1833-4, he rode deputy sheriff, the first year under Major John Cantrell, and the second under John McCulloch. It was while thus engaged, while

serving in the capacity of jailor, that he obtained his knowledge of mathematics, his tutor being a prisoner confined upon the charge of kidnapping slaves, but who was afterwards released through the efforts of William Allen, late Governor of Ohio. In the last named year Mr. Hall was united in marriage with Olivia, a daughter of Thomas Hogg, who was the youngest son of Peter Hogg, the emigrant ancestor of the family of that name in Virginia. Mr. Hall was elected a member of the General Assembly in 1844, and by reëlection served two terms in that body, and was then chosen to a seat in the State Senate. He was an elector on the Whig ticket in 1852. In 1861, he was chosen a member of the Convention which framed the first Constitution of West Virginia, and was by that body made its president. No one did more to secure the admission of the State into the Union than he. In 1874, he was nominated for Congress to again enter the political arena. Later he was engaged in manufacturing, and was at one time president of the Clifton Iron and Nail Company. He died April 30, 1882, and was buried in the cemetery at Eight Mile Island. His two sons, James R., born in 1838, and John T., born 1842, both studied the science of war in the Virginia Military Institute, and both entered the Federal Army at the beginning of the Civil War. The former served with the rank of Major in the 4th West Virginia Infantry and was killed at the battle of Kennedy's Hill, August 6, 1862. The latter was Lieutenant-Colonel of the 13th West Virginia Infantry, and was killed at the battle of Cedar creek, October 19, 1864. Both are buried beside the father.

MAJOR JOHN CANTRELL was among the early pioneers of this county. His mother was Mary, a daughter of Charles Clendenin, who, with his sons, built the fort where Charleston now stands. He was born in Greenbrier county, on the banks of Greenbrier river, September 17, 1780, and at the age of fourteen he, together with his mother, emigrated to the banks of the Ohio, and settled in Pleasant Flats, near Eight Mile Island. In 1802, he was united in marriage with Mary, daughter of George Clendenin, and in the same year settled on the north bank of the Kanawha, two and one-half miles from its mouth. At this time there were but two settlements on the Kanawha river, between Point Pleasant and Charleston, one at the mouth of Cole river and the other eight miles from the mouth of the Kanawha. John Cantrell had issue, three sons, who all died in childhood, and one daughter, who grew to womanhood and became the wife of Charles C. Miller, of Point Pleasant. Major Cantrell was one of the first justices of the county, and in 1805, became the second representative from the county in the General Assembly of the State, a position which he filled for ten years. In 1811, he was commissioned Major in the county Militia, and during the War of 1812, he had charge of the government stores at Point Pleasant, from which place he sent supplies to the army of the Northwest. In 1830-1, he was high sheriff of the county, and from that time to the formation of the New State he was almost constantly connected with the county courts. He died June 17, 1863.

CABELL

Cabell was formed from Kanawha county, by an Act of Assembly passed January 2, 1809. The present area is 300 square miles. By the act creating the county, John Shrewsbury, David Ruffner, John Reynolds, William Clendenin and Jesse Bennett were appointed to locate the county seat.

WILLIAM H. CABELL, in honor of whom the county was named, was born December 16, 1772, in Cumberland county, Virginia. He was descended from a Spanish family long settled in England, representatives of which came to Virginia in 1724. He attended William-Mary College, graduating therefrom in 1793. He began the practice of law at Richmond in 1794, and was chosen representative from Amherst county in 1796, and served by reelection through six sessions of that body. In 1805, he was elected Governor of Virginia, a position which he held until 1808, when he was chosen a judge of the General Court. In 1811, he was elected a judge of the Court of Appeals, becoming president of that body in 1842, and as such served until 1841, when he retired from the bench. He died at Richmond, January 12, 1853, and his remains were interred in Shocoe Hill Cemetery, that city.

The First Circuit Superior Court held in Cabell county convened at the house of William Merritt, in April, 1809. John Coalter sat as judge. He came from the eastern part of the State for the purpose of holding the court, but upon his arrival was informed by the people that they did not need any court, and furthermore that they did not want to be bothered with warrants, fines, judgments, etc. But the judge, believ-

ing that as civil government extended, so extended civilization, proceeded to open court, and appointed Edmund Morris clerk of the same. James Wilson qualified as an attorney and was appointed Prosecutor. Then David Cartmill, Henry Hunter, William H. Cavendish, John Matthews, Ballard Smith, Lewis Summers and Sylvester Woodward, attorneys of the State, were granted permission to practice in this court. Of these, Lewis Summers was for many years one of the most able jurists of Virginia, and Sylvester Woodward, who had served as the first State's Attorney of Mason county, afterward removed to New York and became Attorney General of that State.

BISHOP THOMAS A. MORRIS.—On a farm, or rather an improvement, in a log cabin which stood seven miles east of the present site of Barboursville, then in Kanawha county, but now in Cabell, on the 29th day of April, 1794, was born Thomas A. Morris, one of the most eminent men whose names appear upon the pages of the Church history of the United States. His parents were members of the Baptist Church, but the son united with the Methodist Episcopal Church in August, 1813; and on Christmas night, 1814, preached his first sermon in the presence of an audience numbering about two hundred, composed of his relatives and friends of the Teays Valley country, among whom he had been born and reared.

We will let the Bishop tell of this, his first sermon, himself, as he told it to a company of friends who gathered at his residence on the occasion of his 79th birthday. Said he: "I had a long, hard struggle to find peace. On Christmas day, 1814, there being no minister present, Thomas Buffington, a licensed exhorter, and I held

a meeting for exhortation and prayer. He exhorted and I prayed. When about to dismiss, he suggested a meeting for the evening. I said, 'Just as you like.' Said he, 'If we do have meeting, will you exhort?' With some hesitation I replied, 'Yes, if you judge it best.' Whereupon he announced, 'There will be a meeting to-night at father's, and brother Morris will exhort.' This meeting was on the lower junction of the Ohio and Guyandotte rivers. As it was my first effort at public speaking, I began with fear and trembling, though I had often felt before that I should make an effort in that direction. I spoke some forty minutes with a freedom and unction that surprised myself. I was filled with a strange peace of mind, and concluded: 'This is what I have prayed for so long—that is, I am converted.' "

He married his first wife, Abigail Scales, in the year 1814; the ceremony was performed in the house which still stands in the city of Huntington. In the same year he was granted license to preach, and in 1816, joined the Ohio Conference. For several years he traveled a circuit, then served as an elder. In 1836, he was ordained Bishop of the Methodist Episcopal Church, and was the last of the Methodist bishops to make the rounds of his Conference on horseback. He died in Springfield, Ohio, September 2, 1874.

Who the first Methodist minister here was, is not known, but in a work entitled "Progress of Methodism in Ohio and Western Virginia," bearing publisher's date of 1822, we find the following in relation to the work within the present limits of the county. After speaking of several points on the Ohio, the author notices the work at "Guiandot," and in connection

therewith says: "An old man by the name of Miller—a member of the society from Washington county, Pennsylvania, had settled near a place called Green Bottom, between Big and Little Guiandot, and seeing the deplorable state of the people, his pious soul was grieved, and he got up a petition signed by near one hundred persons of every sex and character, and sent it to some of the preachers of the Redstone District, Pennsylvania. The result was that *some time* in the year 1803 *William Steel*, then a traveling preacher belonging to the Baltimore Conference, was sent to *explore* the country. Thus this region was provided for by the Baltimore Conference."

After noticing the Church established here, the writer says further: "At least three traveling preachers have been raised up by this Church, one of whom, Samuel Demont, has already finished his work. He was a young man of deep piety and good natural and acquired ability, and an excellent preacher. He died on his way to work, among strangers, in the year 1820. Old Brother Miller lived to see his wishes crowned with success, and multitudes assembled in his settlement at the quarterly and camp meetings."

One of the other two ministers referred to by the writer was, doubtless, Thomas A. Morris, the celebrated preacher, editor, elder and bishop mentioned above.

THE FIRST BAPTIST ORGANIZATION within the county was perfected in 1807, and known as the "Mud River Baptist Church." Its founder was the celebrated John Lee, one of the earliest Baptist ministers west of the Alleghenies. He was born and grew to manhood in the southern part of Virginia, and near the close of

the last century, like many others, he crossed the mountains to seek a home in the "Far West." Mr. Lee, before leaving the scenes of his childhood, had become a member of the Baptist Church, and felt it his duty to call others to repentance. He located in Teays Valley, and soon began to proclaim the Glad Tidings to those around him. When he began preaching he was very illiterate, but by persevering industry he not only learned to read, but became well acquainted with the Scriptures. He was remarkably successful in the ministry, and in him was verified the Scriptural declaration, that "God hath chosen the weak to confound the mighty."

By the year 1807, he had organized the Teays Valley Baptist church, which in that year was admitted into the Greenbrier Association, with a membership of fifty-two. Mr. Lee extended his field of labor, and continued to gather in the sheaves. At the meeting of the Association in 1808, the Mud River church, organized entirely by his own efforts, was admitted into the body with thirty-two members. When we remember how sparsely settled was the country at that time, we are astonished at the success that crowned the efforts of this extraordinary man, and at once recognize in him the ordained of God to proclaim the Gospel of His Son to the inhabitants of the wilderness. After a number of years' residence in the valley, Mr. Lee left behind him the two monuments reared by his own hands—the Teays Valley and Mud River churches—and removed beyond the Ohio, where he continued his labors until he passed from among the living.

Guyandotte was established a town by legislative enactment January 5, 1810, on lands of Thomas Buf-

ington, with Noah Scales, Henry Brown, Richard Crump, Thomas Kilgore, Edmund Morris and Elisha McComas, trustees. The town was incorporated January 20, 1849, and Peter Clarke, John P. Hite, Augustus S. Walcott, Robert Holderby, Alfred W. Whitney, James Emmons, Henry H. Miller, William Buffington, John W. White, Percival S. Smith and Jacob Miller were appointed trustees.

Barboursville.—By Act of Assembly passed January 14, 1813, Barboursville was made a town, on the lands of William Merritt, with Edmund Morris, Elisha McComas, Edmund McGinnis, Sampson Saunders, Thomas Hatfield and Manoah Bostwick, trustees. The town was incorporated January 20, 1849, and was granted a charter February 12, 1867, when Greenville Harrison, Oscar W. Mather, J. V. Sweetland and J. B. Bumgardner were appointed commissioners to conduct the election of corporate officers.

Huntington was incorporated under the title "The City of Huntington," by an Act of the Legislature passed February 27, 1871, and named in honor of C. P. Huntington, of the Chesapeake and Ohio Railroad. The first election of corporate officers occurred on the first Thursday in September, 1871.

Marshall College.—A branch of the West Virginia State Normal School is located at Huntington. It was incorporated under the name of "Marshall Academy," March 13, 1838, and by an Act of the Assembly of Virginia passed March 4, 1858, was erected into a college, with Samuel Kilby, Staunton Field, Stephen K. Vaught, George W. Poague, Christian M. Sullivan, William Bickens, John F. Medley, Richard A. Claughton, William H. Farnerden, Samuel F. Mallory, George

L. Warner, Frederick G. L. Beuhring, Peter C. Bufington, Charles L. Roffe, James H. Poague, Dr. G. C. Rickets, John W. Hite, St. Mark Russell, Dr. P. H. McCullough, Henry H. Miller and Tarleton W. Everett, incorporators and trustees. Thus it continued until February 27, 1867, when, in compliance with an Act of the Legislature, the State, aided by local subscriptions, purchased it, and it became a "West Virginia State Normal School."

TYLER.

Tyler county was formed from Ohio, by Act of December 16, 1814, by which the boundaries were defined as follows: Beginning at the southwest corner of the Pennsylvania line; thence a due west course to the Ohio river; thence with said river to the Wood county line; thence with said line to the line dividing Monongalia from Ohio county; thence with said line to the Pennsylvania line, and with it to the beginning."

The commissioners to locate the seat of justice for the new county were Dudley Evans and Levi Morgan of Monongalia, Moses Congleton and Samuel Chambers of Brooke, and Benjamin Robinson and David Davidson, Jr., of Harrison.

The county was named in honor of John Tyler, who was born in James City county, Virginia, February 28, 1747. He graduated at William and Mary College, then studied law in the office of Robert Carter Nicholas at Williamsburg. He was long a member of Assembly, and commanded a body of Charles City troops during the Revolution. In 1780, he became a member of the Council of State, and, December 1, 1808, was elected Governor of Virginia. Before his term expired President Madison appointed him to the judgeship of the District Court of the United States for Virginia, in which capacity he served until his death, January 6, 1813. He was the father of John Tyler, tenth President of the United States.

Middlebourne was established a town by legislative enactment January 27, 1813, on the lands of Robert Gorrell, then in Ohio county, with William Wells, Sr., Joseph Martin, Joseph Archer, Thomas Grigg, Daniel

Haynes, William Delashmult and Abraham S. Birckhead, trustees. The town was incorporated February 3, 1871.

Sistersville.—A ferry was established from the lands of John McCoy across the Ohio at this place, January 28, 1818. The town was incorporated February 2, 1839.

CHARLES WELLS, THE PIONEER.—One of the first pioneers on the banks of the Ohio, below Wheeling, was Charles Wells, who settled near the present site of Sistersville in 1776. Here he was residing in 1812, when he was visited by a Pittsburg gentleman, who the same year published a work descriptive of the Ohio Valley. From it we extract the following:—

“Mr. Charles Wells, Sen., resident on the Ohio river, fifty miles below Wheeling, related to me while at his home in October, 1812, the following circumstances: ‘That he has had two wives (the last of which still lives, and is a hale, smart, young-looking woman) and *twenty-two* children, sixteen of whom are living, healthy, and many of them married and have already pretty large families. That a tenant of his, a Mr. Scott, a Marylander, is also the father of *twenty-two*, the last being still an infant, and its mother a lively and gay Irish woman, being Scott’s second wife. That a Mr. Gordon, an American German, formerly a neighbor of Mr. Wells, now residing on Little Muskingum, State of Ohio, has had by two wives *twenty-eight* children. Mr. Gordon is near eighty years old, active and hale in health.’ Thus these three worthy families have had born to them *seventy-two* children, a number unexampled perhaps in any other part of the world, and such as would make Buffon stare when he ungenerously

asserts, as do several other writers of Europe, that 'animal life degenerates in America.'"

Tyler was the only West Virginia county created during the Second War with Great Britain. The first court held for the new county convened Monday, January 9, 1815, at the residence of Charles Wells, just below the present site of Sistersville, near where the residence of Ephraim Wells now stands. The justices composing it were Joseph Martin, Jeremiah Williams, Presley Martin, Joseph McCoy, William Wells, Abraham S. Birckhead, John Nicklin, Ephraim Martin, John Whitten and Bazil Riggs. The first officers were as follows: Sheriff, Joseph Martin; Deputy Sheriff, Abner C. Martin; Clerk Superior Court, Moses W. Chapline; Clerk County Court, Abraham S. Birckhead; Prosecuting Attorney, Moses W. Chapline; Commissioner of the Revenue, Moses Williamson.

LEWIS.

Lewis county was formed from Harrison by an Act of Assembly passed December 18, 1816, by which the boundaries were defined to be : " Beginning at the head of the left hand fork of Jesse's run ; thence a straight line to the mouth of Kincheloe's creek ; thence up said creek to the dividing ridge ; thence a west course to the Wood county line ; thence to include all the south part of Harrison down to the mouth of Buchannon river ; thence a straight line to the beginning." The act directed that the first court should be held at Westfield, and appointed the following named commissioners to locate the county seat : Edward Jackson, Elias Lowther, John McCoy, Lewis Maxwell and Daniel Stringer.

The county was named in memory of Colonel Charles Lewis, who was killed at the battle of Point Pleasant. He was the youngest son of John Lewis, the pioneer settler of Augusta county, and a brother of General Andrew Lewis, who commanded the Virginians at Point Pleasant.

Weston, the county seat, was established a town, under the name of "Preston," January, 1818, on lands of Daniel Stringer and Lewis Maxwell ; Henry McWhorter, William Peterson, James M. Camp and Robert Collins were appointed trustees. By an act of February 20, 1819, the name of the town was changed to "Fleshersville." This, however, does not appear to have been satisfactory, for on the 19th of the following December it was enacted that "the town established in the county of Lewis, by the name of 'Preston,' afterward changed to 'Fleshersville,' shall hereafter be known by the name of 'Weston.'"

The first settler on the site of the present town was Henry Flesher. The exact date of his settlement is not known, but he was residing here as early as 1784, for in that year, while engaged in hauling logs to build a stable, he was attacked by a party of Indians then ravaging the settlements on the West Fork. The gun discharged at him had been loaded with two balls, both of which took effect in Flesher's arm. Thus wounded, he fled to his cabin, closely pursued by two savages, one of whom was so close upon him as to strike him with the butt end of his gun as he entered the door. The blow seemed to throw him forward into the house. His wife closed the door and the Indians made no effort to force it open. Still, the family felt insecure, and as soon as the savages had withdrawn they left the house and concealed themselves in the forest. One member of the family—a young lady—succeeded in finding the way to Hacker's creek, where she gave the alarm. Early next morning, Thomas Hughes with others started out and succeeded in escorting the Fleshers to the settlement.

ALEXANDER WITHERS, the author of that rare and valuable work, "*Chronicles of Border Warfare*," is buried at Weston. He was a representative of one of the oldest families of Virginia, the emigrant ancestor being John Withers, who owned an estate in Stafford county. This he devised to several heirs by will bearing date August 29, 1698. One of his heirs, William Withers, who was born in Lancaster, England, in 1731, and who was the definite ancestor of the historian, did not arrive in Virginia until 1745. For a time he was the private secretary of Governor Dinwiddie, and afterward located in Dinwiddie county, at a place called

Kingston. In 1761; he wedded Priscilla Wright, of Nansemond county, by whom he had issue, one of whom, Enoch K. Withers, married Jannet Chinn (a daughter of Jannet Scott, a first cousin of Sir Walter Scott), and settled at Green Meadows, six miles distant from Warrenton, the county seat of Fauquier county. Here on the 12th day of October, 1792, Alexander Withers, the author of "Border Warfare," was born.

After graduating at William and Mary College, he studied law, and August 10, 1815, married Melinda Feslier. He came west of the mountains in 1827, and at Clarksburgh met Joseph Israel, with whom he contracted to publish a work on the early settlement of Western Virginia. Mr. Withers traversed the territory taking his notes, and the "Chronicles of Border Warfare," published at Clarksburgh in 1831, is the result of his labors. He died at the residence of his daughter, Mrs. Jannet S. Tavenner, near Parkersburg, January 23, 1865. He was an accomplished scholar, and spent much of his time in the study of the Greek and Latin classics.

JONATHAN M. BENNETT, who won for himself the proud distinction of being the "best Auditor Virginia ever had," was a native of this county. He was born in what is known as "Collins' Settlement," October 4, 1816. His paternal grandfather was Joseph Bennett, who emigrated from Scotland and settled in Augusta county, Virginia, before the Revolution. His father was William Bennett, the eldest son of Joseph, who was born in Pendleton county, Virginia, and removed to what is now Lewis county, in the year 1800. Jonathan M., the subject of this sketch, married Margaret E., a daughter of Captain George W. Jackson, a soldier

in the War of 1812, and a brother of Judge John G. Jackson, the first judge of the District Court of the United States for West Virginia. She was also a cousin of "Stonewall" Jackson.

In March, 1836, Jonathan M. Bennett was made deputy sheriff of Lewis county, which office he held until 1838, when he was appointed deputy clerk of both county and circuit courts, holding the same for several years. In 1843, he was admitted to the bar and entered into a partnership with Judge Gideon D. Camden, which continued until 1852, when Judge Camden went upon the bench. When Gilmer county was formed he became its first Commonwealth's attorney. He was elected the first mayor of Weston in 1846. In 1851, he was appointed one of the commissioners to receive subscriptions to the Weston and West Union Turnpike. In 1851, he was elected to the General Assembly of Virginia, and became an active and prominent member of that body, in the session of 1852-3, materially aiding in the passing of laws to put in force the great reforms contemplated by the Constitution of Virginia which had just been ratified by the people. Among the benefits obtained by him at that time for his county were the appropriation of large sums of money to macadamize the Weston and Fairmont, and Weston and Gauley Bridge Turnpikes, and the establishment of a branch of the Exchange Bank of Virginia, at Weston, with a capital of \$300,000. In 1853, he was elected president of the bank, which incapacitated him for reelection to the General Assembly. This position he held until 1857, when Governor Henry A. Wise appointed him first auditor of Virginia, which office he continued to hold until 1865, when he was

rendered ineligible by the test oath—he having followed the fortunes of his native State during the late war.

To his intimate friendship and personal influence with Governor Wise can the people of Lewis county justly attribute the location of the Hospital for the Insane in their midst, for he virtually permitted Mr. Bennett to name the commissioners who located it. In 1858, he was a prominent candidate for Congress, leading for many ballots at the Democratic convention which finally nominated General Albert G. Jenkins. After the Civil War he returned to Weston, where he continued in a successful and lucrative practice of the law until his death.

In 1872, he was elected to the Senate of West Virginia, and served four years as a leading member. In 1871, he, A. W. Campbell and General John J. Jackson were appointed commissioners by the State of West Virginia to adjust with Virginia their respective proportions of the public debt of the old State, and made an able and accurate report concerning the same. Afterward, as chairman of the finance committee of the West Virginia Senate, he prepared and submitted a more comprehensive report on that subject, which placed West Virginia in a still more favorable light. These reports have ever since been relied on by our State as her defence on this important question. In 1876, he was appointed Awarding Judge for West Virginia to the Centennial at Philadelphia. He died at Weston, October 28, 1887.

NICHOLAS.

Nicholas county was formed from Greenbrier, by Act of Assembly passed January 30, 1818. By it the boundaries were defined, but so unsatisfactorily, that, by an Act of January 29, 1820, they were entirely changed. The former Act declared that the first court for the new county should be held at the house of John Hamilton. The commissioners to locate the county seat were John Hansford and John Wilson, of Kanawha; Samuel Brown and John Welch, of Greenbrier, and William Marteney, of Randolph.

WILSON CARY NICHOLAS.—The county derives its name from Wilson Cary Nicholas, who was born in the city of Williamsburg, Virginia, January 31, 1761. He was a student in William and Mary College, but in 1779, left the institution to enter the Continental army, in which he served as commander of Washington's Life Guard until the close of the war. In 1784, he represented Albemarle county in the General Assembly, in which body he almost continuously occupied a seat until 1799, when he was elected to the United States Senate. In 1806, he declined the mission to France, and in 1807, was elected a member of Congress and re-elected in 1809. In 1814, he became Governor of Virginia and served two terms. He died October 10, 1810.

Summersville, the county seat, was legally established a town, January 19, 1820, on thirty acres of land, the property of the heirs of John Hamilton. Robert Hamilton, Robert Kelly, William Hamilton, John Groves, Samuel Hutchison, John G. Stephenson, James Robinson, John Campbell and Edward Rion, were appointed trustees. The town was incorporated March 20, 1860.

PRESTON.

Preston county was formed from Monongalia by an act of Assembly passed January 19, 1818. The act providing for the formation of the county required the county Court of Quarter Sessions therefor to be held on the first Monday of March, 1818, which, however, did not meet until some time in April, that year. The justices, so far as can be ascertained (the records were partially destroyed by the burning of the courthouse in 1869), were John Fairfax, Frederick Harst, Hugh Evans, Nathan Matheny, Joseph Mathews, Nathan Ashby, William Sigler, Benjamin Shaw and Felix Shaw. The first court convened at the house of William Price in Kingwood, which was for many years known as the "Herndon Hotel." The first officers of the county were, Joseph D. Suit, Sheriff; Charles Byrne, County Clerk; Eugene M. Wilson, Circuit Clerk; James McGee, Prosecuting Attorney. The first term of the Circuit Court—then called the Superior Court—was held on "the first Monday after the fourth Monday" in April, 1818, Judge Daniel Smith, of Rockingham county, presiding.

By the revision of the constitution in 1831, the Superior Court was designated "Circuit Superior Court of Law and Chancery," and Joseph L. Fry, of Wheeling, became Judge, presiding until 1847 or 1848. Charles Byrne served as clerk of both courts until his death in May, 1843, when he was succeeded by his son, John P. Byrne, who was appointed at the June term, 1843, reappointed in 1850, and held the position until 1852, when Smith Crane succeeded him. In 1852, Gideon D. Camden was elected Judge and John P.

Byrne was defeated by one vote for clerk, his successful competitor being James H. Carroll.

Kingwood, the county seat, then in Monongalia, was established a town, by legislative enactment, January 23, 1811, with John S. Roberts, Jacob Funk, William Price, James Brown and Hugh Morgan, trustees. It became the county seat in 1818, being selected by the commissioners, Thomas Byrne, Felix Scott, William Irvine, William Marteney and John McWhorter.

Rowlesburg was incorporated by Act of Assembly passed February 27, 1858. The first election of municipal officers was held at the house of Mrs. Maria Hooton, the commissioners being Russell Finnell, H. H. Wheeler, D. Wonderly, Jr., T. F. Hebb and William Hall.

Bruceton was incorporated February 18, 1860; *Independence*, March 13, 1860.

MORGAN.

Morgan county was formed, in 1820, from parts of Hampshire and Berkeley. It was named in honor of General Daniel Morgan of the Revolution.

Bath, then in Berkeley county, was established a town at the Warm Springs in 1776, on land belonging to Thomas Lord Fairfax, Thomas Bryan Martin, Warner Washington, Rev. Charles Mynn Thurston, Robert Rutherford, Thomas Rutherford, Alexander White, Philip Pendleton, Samuel Washington, William Ellzey, Van Swearingen, Thomas Hite, James Edmundson and James Nourse, trustees. The act required the trustees to advertise the lots for sale for three months in the *Virginia Gazette*.

FELIX GRUNDY was born in a log cabin on Sleepy creek, Morgan—then Berkeley—county, in 1777. When but two years of age he removed with his father to Red Stone Old Fort, near the present site of Brownsville, Pennsylvania, and the following year to Kentucky. Grundy's first teacher was his mother, from whom he received instruction until he entered Bardstown Academy, after which he studied law under George Nicholas. He was a member of the Convention which framed the Constitution of Kentucky, in 1799, and from that time until 1806, served in the Legislature of that State, and was the author of the bill establishing the Circuit Court system there. In 1802, he engaged in a debate with Henry Clay on the subject of banks and banking. In 1807, he was appointed a judge of the Supreme Court of Kentucky, and the following year became Chief Justice of the same State. This office he resigned, and in 1808, began the practice of his profession in

Nashville, Tennessee. Here he won great renown as a criminal lawyer; of the one hundred and five cases which he defended on criminal indictment but one being executed. He represented Tennessee in the National Congress in 1811, and again in 1813. In 1819, he was a member of the State Legislature, and in 1820, was appointed a commissioner to adjust the difficulty concerning the boundary line between Tennessee and Kentucky. He was elected to the United States Senate, in 1829, for the unexpired term of John H. Eaton, and was again elected to that office in 1832. In 1838, he was appointed Attorney General by President Van Buren, but resigned the office to resume his seat in the Senate, having been elected in the place of Ephraim H. Foster. He was a member of the committee which revised the compromise bill of 1833. When Van Buren and Harrison were nominated for the Presidency, he spoke in favor of the former throughout Tennessee. This was his last political work. He died in Nashville, Tennessee, December 19, 1840, and is buried in the city cemetery at that place.

POCAHONTAS.

The county was formed from parts of Bath, Pendleton, and Randolph, by act of General Assembly passed December 21, 1821. Section first defined the boundaries of the new county, the area of which was 760 square miles. In 1824, the southern boundary line was changed, and 60 square miles taken from Greenbrier, thus increasing the area to 820 square miles.

The surface is for the most part rough and mountainous. Here the traveler beholds longitudinal and transverse ranges, trending to every point of the compass. As he stands entranced with the scenic grandeur spread out before him, he experiences the feeling of sublimity which ever impresses one when surrounded by lofty mountains.

Here is the culminating point of the Alleghany range; Mount Bayard, four miles west of Hillsboro, and formerly called Briery Knob, is the highest point in the range, and its summit is the highest land in the county. Along the eastern boundary stretch the Alleghanies proper, in the north are the Rich mountains, Cheat mountains, and Middle mountains; in the west are the Yew mountains and Black range, while in the south are the Beaver mountains, Cranberry range, and Knob mountains, the highest point of the latter being Drop mountain, now historical because of the fierce battle fought upon it and around its northern base, during the late war. In the centre lie the Brown mountains and Buckley peaks.

Here is an interesting field for the geologist, who may find amid the general upheaval and subsidence of this entire region the stratified and unstratified rocks

of almost every geological age or epoch. Perhaps the best examples of flexed and tilted strata to be found in the Appalachian system may be seen here. An inclination of 45 degrees is very common, while that exposed by the erosion of Little Buckle creek at the western base of Beaver Lick mountains, is inclined at an angle of more than 60 degrees.

POCAHONTAS, the Indian princess for whom the county was named, was the daughter of Powhatan, the king of the Confederated tribes of Atlantic Virginia. Her real name was Matoka, but this was carefully concealed from the English because of a superstition prevailing among the Indians to the effect that no harm could befall one whose real name was unknown. She was born about the year 1595. The story of her friendship for the English, her marriage and subsequent death in a foreign land has been elsewhere related.

The First County Court, in conformity with the act creating the county, convened at the house of John Bradshaw on the 5th of March, 1822. The following justices were present: John Jordan, William Poage, Jr., James Tallman, Robert Gray, George Poage, Benjamin Tallman, John Baxter, and George Burner. John Jordan became first high sheriff of the county, with Abraham McNeel and Isaac McNeel, bondsmen. Josiah Beard was appointed clerk of the court, and John Reynolds Commonwealth's attorney. Sampson L. Matthews was recommended as a "fit and able person to execute the office of surveyor of lands." William Hughes, with William McNeel and Robert McClintock securities, and James Cooper with William Slavans and Samuel Hoget securities, were appointed constables.

On the second day, March 6th, the court appointed Jonathan Jordan deputy sheriff. It then proceeded to appoint overseers or surveyors of the roads, completed and prospective, within the county. The names of those who assumed charge of the highways and thoroughfares through the mountains of what but a few years before had been the wilds of West Augusta were: James Collison, William Edmiston, John Hill, John Cochran, Alexander Wadell, John McNeel, Robert Moore, Martin Dilley, Benjamin Arbogast, William Sharp, William Hartman, and Joseph Wolfenbarger. Robert Gay was appointed commissioner of the revenue, with William Cackley and John Baxter, bondsmen.

The court then proceeded to organize the county militia as a part of the military establishment of the State. The following persons were named as "fit and proper" to fill the respective offices, and the Governor and council requested to appoint the same: John Baxter, for colonel commandant of the county of Pocahontas; Benjamin Tallman, lieutenant-colonel; William Blair, major; Boone Tallman, William Arbogast, Henry Harold, Isaac Moore and Milburn Hughes, captains; Andrew G. Mathews, Robert Warwick, William Morgan, William Young and James Rhea, lieutenants; Jacob Slavans, James Wanliss, Samuel Young and James Callison, ensigns.

Abraham McNeel was then recommended as a fit person to execute the office of coroner. Travis W. Perkins was granted license and became the first hotel proprietor of Pocahontas county. Jacob W. Matthews, Thomas Hill, John Slavans, James Callison, William Edmiston, John Gilliland, William Cackley, Samuel Cummings, John Bradshaw, Joseph Moore, Patrick

Burfee, James Waugh and James Sharp were recommended as suitable persons to be appointed justices of the peace. The court, leaving military and civil affairs in complete order, adjourned.

Huntersville, the county seat, was laid out in 1821. Surrounded on all sides by lofty mountains, it has, perhaps, more the appearance of an Alpine village than any other town in the State. On the site where the town now stands, John Bradshaw, an early pioneer, built his cabin. Soon after the people of Bath county constructed a wagon road from the Warm Springs through the mountains to his house, and a man named John Harness began hauling goods from Staunton into these mountains for the purpose of trading with the settlers. He made Bradshaw's cabin his headquarters, and here he was met by hunters who brought their pelts, venison, ginseng and other productions of the forest to exchange for Harness' goods. From this, the place came to be known as Huntersville, a name it has ever since retained. It was established a town by legislative enactment, December 18, 1822, "on lands late the property of John Bradshaw." Robert Gay, James Sharp, Levi Moore, Jacob Lightner and John Gilliland being the first trustees.

Early Settlers.—The first white men within the present limits of the county were Jacob Marlin and Stephen Sewell, who, in the year 1749, reached the mouth of Knapp's creek and erected a cabin on the banks of Greenbrier river, on what has ever since been known as Marlin's bottom, lying at the northern base of Marlin's mountain. These two came to the "far west" to verify the report of a man from Frederic county, who, laboring under some mental aberration, wandered

away into the wilderness of what has since been known as the Greenbrier country, and returning, related to his friends that he had visited a country where the rivers flowed away to the west, a contrary direction to those of the Shenandoah valley.

Soon after their settlement a difficulty arose between them, and Sewell, leaving Marlin in the cabin, took up his abode in a hollow tree near by, and thus they were found living in 1751, when John Lewis and his son—afterward General Lewis, and the hero of Point Pleasant—came west of the mountains as the agents and surveyors of the Greenbrier Land Company.

Sewell afterward removed fifty miles farther west, and soon fell a victim to savage ferocity. Marlin, it is said, returned to the east. Both, however, left their names on the landmarks of the Greenbrier country, Marlin, as we have seen, on the mountain and bottom, near the centre of Pocahontas county, Sewell on the mountain and stream which still bears his name.

COLONEL JOHN McNEEL was one of the earliest pioneers of West Augusta and the first actual settler on the Little Levels, now in Pocahontas county. He was born near Winchester, Virginia, but early in life went to the Cumberland valley, in Maryland. Here soon after his settlement he had an altercation with a young man which resulted in a hand-to-hand fight, and McNeel, believing that he had killed his antagonist, fled to the wilderness, and after some time spent in wandering amid the wild solitudes of the Alleghanies, he came upon what has ever since been known as the Little Levels. It is a beautiful little valley hemmed in on all sides by lofty mountain ranges. Here the wanderer and, as he supposed, fugitive from justice, decided to

make his future home, and reared his lonely cabin. This was about the year 1765.

Shortly after McNeel completed his cabin, while hunting one day, greatly to his surprise, he met Charles and James Kennison, two white men who were searching for a suitable site to found a home. From them he learned that the man whom he supposed he had killed had not died, and in fact had not been seriously injured. To him this was joyful news, for the thought of having caused the death of a fellow man was most dreadful to contemplate. The Kennisons accompanied him to his lonely retreat, and with him as guide soon found lands upon which they resolved to settle, then all three returned east of the mountains to make preparation for their removal into the wilderness.

During their stay in the Valley, McNeel wooed and won the hand of a lady named Martha Davis. She was born in Wales in 1743, and early accompanied her parents to Virginia. Now she prepared to share the toils and hardships of a pioneer home. The man to whom she had given the best affections of her heart was worthy of the trust. All things were made ready, the journey completed, and the new home reached. A few acres of land were cleared, then McNeel remembered his duty to his God, and with his own hands reared a small log cabin in which his neighbors and himself might worship. This rude temple, dedicated by its builder to the Builder of the Universe, was called the White Pole Church, and was most probably the first church building ever erected west of the Alleghanies.

At length, Dunmore's war broke out, and McNeel, together with his neighbors, the Kennisons, repaired to Camp Union, enlisted and accompanied General Lewis

to Point Pleasant, where they participated in the bloody battle of October 10, 1774. During their absence, a child of McNeel's died, and the mother, true heroine that she was, constructed a rude coffin, dug a little grave, and with her own hands laid the infant away to rest.

The soldiers returned but not to remain. The struggle between the mother country and her colonies was rapidly verging to a crisis, and they at once crossed the mountains and joined the patriot army, in which they served until they saw the thirteen feeble colonies of 1776, the recognized nation of 1783.

PETER LIGHTNER was among the first settlers in what is now Pocahontas county. He came from the eastern part of the State and settled on Knapp's creek. Prior to his coming, there were no mills nearer than Staunton, distant nearly a hundred miles through the wilderness. This being too far to "go to mill" the people prepared their own corn for bread. The mode was simple; a large tree was felled, from which a block or "cut" was taken, about three feet high. It was placed on end in front of the cabin, then a fire was kindled upon it, and so managed that an inverted cone was formed. From this the charred coals were taken and the "hominy block" was ready for use. A peck or more of shelled corn was put in and pounded until it was reduced to a coarse meal, from which bread was then baked. Another plan was to boil the corn until quite soft, then pound into a jelly, which was dried and used as needed. This preparation was called hominy meal. Mr. Lightner remedied all this. He erected a mill, and although some of the pioneers had to come thirty miles, they considered it an easy task to provide bread. This mill was

located on Knapp's creek, and although a century has breathed its changeful breath upon the site, a portion of the old foundation and a trace of the race still remain to inform the traveler that it once existed.

Other Pioneers.—Of those who first occupied the cabin homes amid the mountains of Pocahontas county, the following is given in the census of what is now the county, at the beginning of the present century: Isaac Moore, his wife and six children; Moses Moore, his wife and four children; Peter Lightner, his wife and four children; Henry Harper, his wife and six children; John Moore, his wife and nine children; Felix Grines, his wife and seven children; Samuel Waugh, his wife and thirteen children; James Waugh, his wife and twelve children; Aaron Moore, his wife and nine children; William Moore, his wife and five children; Robert Moore, his wife and six children; Timothy McCarty, his wife and six children; Robert Gay, his wife and six children; Jeremiah Freel, his wife and nine children; Jacob Warwick, his wife and six children; Andrew Gwin, his wife and two children; Sampson Matthews, his wife and three sons; Josiah Brown, his wife and six children; John Sharp, his wife and five children; William Sharp, his wife and nine children; Levi Moore, his wife and six children, and John Bradshaw, his wife and five children.

Little Levels Academy.—This institution was established in 1842, under a charter granted by the State of Virginia. The incorporators were Josiah Beard, S. D. Poage, Samuel L. Matthews, Moses H. Poage, John Hill, Thomas Hill, James Miller and Richard McNeel. The first principal was Rev. Joseph Brown, who served in that capacity for seven years. He was succeeded

by the Rev. M. D. Dunlap, who remained at the head of the institution for eleven years, or until the war came on and the school closed. In 1865, the county purchased the building, since which time it has been used for public school purposes. This was the first school of a high order in the county, and notwithstanding the short period of its existence, it left its impress upon the educational interests of this mountain region.

The County Records During the Civil War.—When the Civil War broke out, William Curry was serving as both circuit and county clerk, and when it became evident that the Federals would invade the county, the Court ordered Mr. Curry to remove the records to a place of safety. In compliance with the mandate, he caused them to be taken to the private residence of Joel Hill, on the Little Levels. Here they remained until January, 1862, when Mr. Curry became alarmed for the safety of so valuable a charge placed in his custody, and therefore removed them to Covington, Virginia, where for a short time they lay in the clerk's office of Allegheny county. From here they were carried to the storehouse of Captain William Scott. In September, 1863, General Averill's command reached Covington, and Mr. Curry again removed the records, first to the residence of William Clark, and then to a stack of buckwheat straw, in which they lay concealed for three weeks, and were then conveyed into the mountains and stored away in the house of a Baptist minister, and there remained until after the surrender at Appomattox. The war being over, Mr. Curry, in June, 1865, returned with the records and once more deposited them at the house of Joel Hill. After one month they were taken to a vacant house belonging to

the Rev. Mitchell Dunlap, and there left until September, 1865, when the first court, after the close of the war convened, November, 1865, in the Methodist church at Hillsboro. From that time they were kept in the old Academy building until June, 1866, when they were taken back to the county seat and deposited at the house of John B. Garey. More than five years had passed away since their first removal, and, strange to say, notwithstanding all the vicissitudes of war through which they had passed, but one thing was lost, and that was an old process book of no value.

LOGAN.

Logan county was created by act of Assembly, passed January 12, 1824, from parts of Giles, Tazewell, Cabell and Kanawha, and derived its name from Logan, the famous Mingo chieftain. The original boundaries were: "Beginning at the junction of the White Oak mountain and New river, proceeding with the meanderings thereof until it meets the line of Kanawha county; thence with the lines thereof taking the dividing ridge between the Big and Little Cole rivers, until it comes on a line with the head of Rock creek; thence down the same to its mouth; thence crossing Little Cole, proceeding with the dividing ridge between Turtle and Horse creek to the head of Ugly creek; thence down the same to its mouth, crossing the Guyandotte, in a straight line to the mouth of Narrowbone creek; thence up the Tug Fork of Big Sandy river to the mouth of Elkhorn creek; thence proceeding with the dividing ridge between Elkhorn creek and the Tug Fork, and so on a line with the Flat-Top mountains to the beginning."

The commissioners named in the act to locate the seat of justice for the county, were William Buffington, of Cabell; William Thompson, Jr., of Tazewell; Charles Hale, of Giles; Samuel Shrewsbury, of Kanawha, and Conrad Peters and John Taylor, of Montgomery. They performed the work, and the village of Lawnsville, or Logan Court House, was laid out in 1827.

Tug river forms the southwestern boundary of the county. The origin of the name is explained in Part I. of this work, under the head of the "Big Sandy Expedition," which passed through this county.

JACKSON.

The county of Jackson was formed from parts of Mason, Kanawha and Wood, in 1831, in pursuance of an act of the General Assembly passed March 1st of that year, and named in honor of Andrew Jackson, then President of the United States. The present area of the county is 400 square miles.

The First Court was held at the residence of John Warth, near the mouth of Big Mill creek. The following justices were present: John Warth, George Casto, Barnabas Cook, George Stone, Bird Boswell, Henry Shearman, Ephraim Evans, Benjamin Wright, John McKown, and Tapley Beckwith. Benjamin Wright was appointed clerk, and John Warth, being the oldest justice, owing to this, became high sheriff of the county, and James Smith, Ira Lindsey and John Green qualified as his deputies. Thomas A. Hereford was appointed State's Attorney, George W. Warth was made Commissioner of the Revenue, and George McGarvey was chosen constable. The first grand jury was impaneled at the June term of 1831, and was as follows: Andrew Lewis, foreman; Nehemiah Smith, Solomon Harpold, Isaac McKown, Abel Sayre, Gideon Long, Ezekial McFarlin, Isaac Shearman, Henry Shearman, Charles Smith, David Stanley, Joseph Rader, James R. Wolf, Jabel Bowles, John Harpold, John Krites, Jonas Casto, Isaac Poast, Elijah I. Rolling, John Casto, Thomas Carney, and James Stanley.

Coleman Killed by Indians.—Jackson is not without its part in the record of Indian atrocities. In the month of February, 1793, a party composed of Malcolm Coleman, John Coleman—son of the former—

James Ryan, and Elijah Pixley, left the garrison at Belleville for the purpose of obtaining a supply of meat. In a canoe they descended the Ohio to the mouth of Big Mill creek, and thence proceeding up that stream encamped near the present site of Cottageville. In a few days their canoe was loaded with venison and bear meat. But the creek had frozen and they were unable to reach the Ohio. Thus detained, John Coleman and Pixley returned overland to the garrison for a supply of flour and salt. They were expected to return to the camp on the morning of the third day, and the elder Coleman and Ryan prepared an early breakfast. While they were invoking the Divine blessing, the Indians in ambush poured a shower of balls upon them, and Coleman fell dead. Ryan, slightly wounded, made his escape and conveyed the sad intelligence to Belleville. A party at once set out for the camp, and on arriving found it plundered and Coleman scalped and stripped of his clothing. The body was buried on the spot and the party returned to the garrison.

Pioneers.—In the month of May, 1796, William Hannamon, Benjamin Cox and James McDade, built cabins within the present limits of Union district, and thus were the first to plant civilization in what is now Jackson county. The first two became actual settlers. McDade selected the site for his future home, but pursued his chosen work—that of an Indian scout. For years he traversed the banks of the Ohio between the Little and Great Kanawha rivers, rifle in hand, a faithful dog his only companion. Many long, dark nights he spent in the dreary wilderness, content if he might be able to save the inmates of some lonely cabin

from becoming the victims of the murderous savage foe.

In 1800, came Joseph Parsons, Cornelius King and John Douglas. David Sayre and Alexander Warth came with the first year of the present century; Reuben Smith came in 1802; Thomas and Job Hughes in 1804; Joseph Hall, Isaac Hide, Isaac Statts and Thomas Flowers in 1806; John Bibbee in 1810; Jacob Baker in 1812. In 1807, John DeWitt built the first cabin in Muse's bottom. The same year cabins were erected near him by John Boso, Thomas DeWitt, John Powers, Thomas Coleman and Ellis Nesselroad. In 1808, John Nesselroad settled at the mouth of Sand creek. With him came Lawrence Lane (who reared his cabin where Ravenswood now stands), William Bailey, George Swope, Noah Robinson, Franklin Wise, Daniel Beaty and William Anderson. The same year Eli Grandy settled on Sand creek, three miles from the Ohio river, James Dougherty settled on the Ravenswood bottoms, and James Stanley a short distance below the mouth of Sand creek.

Ravenswood is situated on the left bank of the Ohio river, thirty-five miles below Parkersburg and fifty-one above Point Pleasant. The land upon which the town stands originally belonged to George Washington, having been surveyed by him and his assistant, Colonel William Crawford, in the summer of 1770, and patented the following year. There were 1450 acres of this tract. It was inherited by six of his grand-nieces, of whom Henrietta S., wife of Henry Fitzhugh, and Lucy Fitzhugh, afterward wife of Arthur M. Payne, were two, and they came into possession of the land upon which the town is located. In 1810, Lawrence Lane and

William Bailey settled upon the land and cleared about forty acres of it. Rudolph Roberts, of Alexandria, Virginia, the agent for the Washington heirs, had the lands surveyed and divided among them in 1812. The improved lands from which the squatters had been ejected were then rented to various parties, one of whom was Bartholomew Fleming, until 1836, when Mrs. Henrietta S. Harning married Henry Fitzhugh, and Mrs. Lucy, having been united in marriage with Arthur Payne, they removed to these lands and laid out the town. The name which it now bears is the result of an error. Mrs. Payne named it *Ravensworth*, in honor of relatives of that name in England, but the engravers of the first map of Virginia upon which it appears spelled it *Ravenswood*, and the mistake has never been corrected. Joseph Holdren, George Warth, Bartholomew Fleming, Thomas Coleman, John Thorn, purchased the first lots and became the first settlers.

Ripley.—The original owner of the land upon which the town now stands was William Parsons, who was the first settler in the vicinity. He afterward sold his land to Jacob Starcher, who laid out the town, and named it in honor of Harry Ripley, who was drowned in Big Mill creek, one and a half miles above the present site of the town. He had his marriage license in his possession at the time of his death. Ripley became the county seat two years after the formation of the county, Jacob Starcher having in that year donated to the county the square upon which the public buildings now stand.

WILLIAM K. PARK, a Lieutenant of Engineers, Confederate Army, was born in Ripley, this county, July 31, 1840. In early life he attended school at Ravens-

wood, and in 1857, when in his seventeenth year, entered the Virginia Military Institute, from which he was graduated in May, 1861. He immediately received a second lieutenant's commission and was ordered to join the command of General John A. McCausland, then stationed at Buffalo, on the Great Kanawha. Later, he constructed the fortifications at the Narrows of New river. In 1862, he was transferred to the command of General A. G. Jenkins. A member of the 17th Virginia Cavalry, he shared the fortunes of his regiment until November, 1864, when he was made a Lieutenant of Engineers and ordered to the command of General Whiting, at Wilmington, North Carolina. Later, he proceeded to Weldon, where he remained until the evacuation of that place, when his command fell back to Raleigh, and thence to Greensboro. Here he died May 5, 1865. His remains repose in the cemetery at Salisbury, North Carolina.

FAYETTE.

Fayette county was formed in 1831, from Kanawha, Greenbrier, Nicholas and Logan, and named in honor of General Lafayette. Within the county is laid many of the principal scenes in that remarkable work of fiction, "New Hope, or The Rescue," one of the masterpieces of frontier literature, and around which centres a peculiar interest because its author's identity is unknown.

Here, on the north side of the New river-Kanawha—new because it is a novelty in nature—stands one of Nature's wonders. It is the lofty precipice long known as the "Hawk's Nest," but more properly called Marshall's Pillar, in honor of Chief Justice Marshall, who, as one of the Virginia commissioners, stood upon its summit in the year 1812. He was the first to ascertain its height.

JOHN ROWZEE PEYTON, known far and wide for his eccentric humor, was long a resident of this county. He was the son of Captain Garnett Peyton, of the United States Army, and was born at Madisonville, Montgomery county, Virginia, December 6, 1806. When yet a boy he was sent to the Virginia Staunton Academy, and afterward spent some years on the borders of Virginia and Kentucky, but subsequently married in Montgomery county, and in 1845 removed to an estate in Fayette county. Here he engaged in the stock business, the principal occupation of this region at that period. He was thus engaged at the beginning of the Civil War. A Whig in politics, he opposed secession, but when the struggle came, he hastened to Harper's Ferry, and though weighing nearly four hun-

dred pounds, he enlisted in a Virginia regiment belonging to the Stonewall Brigade, which he accompanied to Bull Run. After participating in the desperate action at that place, he was detailed for recruiting service and sent to Southwest Virginia. In 1862, he was assassinated in Roanoke county by three deserters from the Confederate Army. He had stopped for dinner at an inn at the base of Bent Mountain, where were stopping the deserters, who were concealing their identity. Colonel Peyton began the ascent of the mountain, they having preceded him, and when nearing the summit, they fired upon him from ambush, and he fell dead from his horse. They were apprehended, tried and one of them executed at Salem, in 1862.

MARSHALL.

Marshall county has an area of 240 square miles. It began its existence March 12, 1835, when the General Assembly enacted "That all that part of the county of Ohio, lying south of a line beginning on the Ohio river at a stone to be fixed on the bank of the said river one-half mile above the mouth of Bogg's run, thence a direct line to the northern boundary of the town of West Union, and thence continuing the same course to the Pennsylvania line, shall form one distinct and new county, and be called and known by the name of Marshall county." The county was named in honor of John Marshall, Chief Justice of the United States.

Robert C. Woods, of Ohio county, and John W. McClean, Sr., of Marshall, were appointed commissioners to run and mark the lines of the new county. The act made Elizabethtown the county seat, and provided that the first court should meet in a brick school house in said town on the first Thursday after the third Monday of May, 1835.

The First Court for the county of Marshall met at the time and place for which the act creating the county provided. The following justices were present: Jacob Burley, Benjamin McMechen, Zadoc Masters, Samuel Howard and Jacob Parrot. Blair Morgan was the first sheriff. The court elected officers as follows: Commonwealth's Attorney, Elbert H. Caldwell; Clerk of Court, James D. Morris. Moses C. Good, William McConnell, Zachariah Jacob, John McFerren, Francis C. Campbell, Lewis Steenrod, Morgan Nelson, Isaac Hoge, James A. Clarke and J. Y. Armstrong were granted license to practice law in the courts of this

county. Robert Shoemaker, Thomas Stewart, Jesse V. Hughes, Samuel Gatts and Joshua Burley were appointed constables. Richard Morton and William Woodburn were commissioned coroners. The court appointed the following supervisors: Edward Gregg, James Ramsey, Bennett Logsdon, David Lutes, R. B. Howard, Thomas Howard, John Ward, William O. Rowell, Samuel Venice, Richard Ruling, John Barts, Joseph Mayers, Joshua Garner, Job Smith, Andrew Jenny, David Jenny, David Wells, Miner Burge, James Standiford, Jacob Reed, James Chambers, James Ewing, Ebenezer Gordy, David Rush, Henry Ewing, John Stricklin, Edward Dowler, John Gray, Silas Price, B. S. Gregg, John Minson, James Nixon, Thomas Pollock, William Vanscoyoe, John Rine, Michael Dowler, Samuel Dowler, Philip Jones.

Pioneers.—In 1769, John Wetzel and family built a cabin on Big Wheeling creek within the limits of what is now Sand Hill district, Marshall county. The Siverts and Earlywynes came about the same time, settling on the ridge near them. In the summer of 1770, Joseph Tomlinson visited the flats of Grave creek. So enchanted was he with the beauty of the surrounding country that he determined to rear himself a home on the wide, fertile bottom. Building a cabin, he spent the remaining summer and succeeding autumn in his chosen abode. He returned east of the mountains, intending to remove his family when spring came. Indian hostilities increasing, he delayed the removal for two years. A man named O'Neil, in Tomlinson's employ, came also in 1770. In 1777, Nathan Master, James and Jonathan Riggs found homes within the limits of Marshall county. In 1785, a man named

Cresap located land on the Ohio in what is now Franklin district. In 1790, John, James and David Bonar built their cabin homes at a location afterward known as Bonar's Ridge. In 1792, Peter Yoho settled on Fish creek. In 1793, Richard Campbell, a native of Ireland, and Thomas Buchanon settled within the limits of Sand Hill district, and the following year Lazarus Rine settled near them. In 1795, Henry Conkle, from Pennsylvania, bought land and became a settler in this neighborhood. In 1798, Jonathan Purdy, who built the first distillery in the country, settled on Grave creek.

Nathaniel Parr's Encounter with the Indians.—Nathaniel Parr, with his father and brother, settled in 1770, at a place which afterward took the name of Parr's Point. While hunting, one day, Nathaniel killed a deer, and the hour being late, hung it on a tree out of reach of the wolves and went home. Early next morning he returned for his venison. While in the act of taking it down he was fired upon by the Indians, who, discovering the game, had concealed themselves to watch for the hunter. The firing suddenly ceased and five Indians made toward him. He seized his rifle and fired twice, both shots taking effect. The remaining three were young and cowardly and unprepared for Parr's desperate defense. He was shot in the right thigh, but standing on one foot, supported himself by a tree and warded off his assailants. He fell and found himself unable to rise. Seizing the stones that were lying loose near him, he assailed the Indians with such fury that they finally drew off, bearing the bodies of their dead comrades with them. Mr. Parr, alarmed at his son's continued absence, started in pursuit, and after a diligent search found him, and conducted him

home. From the effects of wounds received in this fight, Nathaniel Parr was a cripple to the end of life.

Foreman's Defeat.—About four miles above Moundsville may be seen a monument bearing this inscription : “This humble stone is erected to the memory of Captain Foreman and twenty-one of his men who were slain by a band of ruthless savages—the allies of a civilized nation of Europe—on the 25th of September, 1777.

“So sleep the brave who sink to rest
By all their country's wishes blessed.”

On the 25th of September, 1777, a column of smoke in the direction of Grave creek led the garrison at Fort Henry to believe that Indians were in that vicinity and had fired the stockade. Captain Foreman—a gallant soldier, but unacquainted with the wiles of Indian warfare—with forty-five men was dispatched to render assistance, should any be needed.

Finding all safe at Grave creek, early next morning they began the return march. Captain Foreman was advised by one Lynn, an experienced Indian spy, to avoid the narrows, but apprehending no danger, the commander, with those of his own company, retraced the road by which they had come. Lynn, with seven or eight frontiersmen, took to the hills. At the upper end of the narrows Captain Foreman's party stopped to examine some Indian trophies picked up by several of the party, when they suddenly found themselves assailed by savages. With the foe on three sides, but one way of escape was left them. Those who were uninjured by the first fire fled up the hill, but so difficult of ascent was it that the Indians killed several before they could reach a place of shelter. Lynn and

his companions heard the firing and were not slow to guess the source. Hastening to the brink of the hill, they arrived in time to assist one wounded man to a place of safety. They concealed him in a cliff of rocks, and leaving him their provisions, promised to send relief the next day. Colonel Zane, the following day, came to the scene of conflict, buried the dead and carried away the wounded man. Neither the number of savages engaged nor the loss of Captain Foreman's party can be ascertained with certainty. The latter was probably twenty-one killed, including the Captain.

CAPTAIN JOHN BAKER, an early settler in the country, who commanded a party for defense against the Indians, was killed in 1778. He in company with three men named Wetzel, from a block house at the head of Cresap's bottom, were watching a party of Indians who were reconnoitering on the opposite side of the river, waiting, as was supposed, an opportunity to kill some of those who had sought refuge in the fort. Baker fired and killed an Indian. The others, as though in great fright, fled. The four men at once crossed the river to examine the dead foe. No sooner had they stepped on the Ohio shore than they were fired upon by the concealed savages, who had been using the body of their dead comrade as a decoy. Baker fell severely wounded. The others escaped to the canoe unharmed. Returning shortly afterward, they carried Baker to the block house, where he died in a few hours.

Murder of the Misses Crow.—The following account of this sad event, which occurred in 1785, is given by Dr. De Hass: "The parents of these girls lived about one mile above the mouth of Dunkard, or lower fork of the creek (Wheeling). According to the statement

of a third sister, who was an eye witness of the horrid deed and herself almost a victim, the three left their home for an evening walk along the deeply-shaded banks of that beautiful stream. Their walk extended over a mile, and they were just returning, when suddenly several Indians sprang from behind a ledge of rocks and seized all three of the sisters. With scarcely a moment's interruption the savages led the captives a short distance up a small bank, where a halt was called and a parley took place. Some of the Indians were in favor of immediate slaughter, while others were disposed to carry them into captivity. Unfortunately, the arm of mercy was powerless. Without a moment's warning a fierce-looking savage stepped from the group with elevated tomahawk and commenced the work of death. This Indian, in the language of the surviving sister, 'Began to tomahawk one of my sisters, Susan by name. Another Indian began the work of death on my sister Mary. I gave a sudden jerk and got loose from the one that seized me, ran with all speed and took up a steep bank and gained the top safe, but just as I caught hold of a bush to help myself up, the Indian fired and the ball passed through the clump of hair on my head, slightly breaking the skin. The Indian went around in order to meet me as I would strike the homeward path. But I ran right from home and hid myself in the bushes, near the top of the hill. Presently I saw an Indian pass along the hill below me. I lay still until he was out of sight; then I made for home.'"

The Tush Family.—George Tush, one of the earliest settlers in Marshall county, lived on Bruce's run. September 6, 1794, when Indian depredations were

beginning to be considered a thing of the past, Mr. Tush left his cabin for the purpose of feeding his hogs. Three savages, who were lying in wait, fired upon him. A ball took effect in his breast, inflicting a serious and painful wound. Frantic with pain, he rushed past his cabin, leaving his wife and children to the mercy of the foe. The Indians entered the house, and the mother was compelled to witness their horrid work. The four elder children were tomahawked and scalped; the infant, according to Indian custom, was caught by the heels and dashed against the side of the house. Taking such articles as they could carry, they retreated with the captive mother, whom they cruelly murdered about eight miles from her home. Tush, in his flight, jumped from a ledge of rocks, which so injured him that when he reached the house of his neighbor, Jacob Wetzel, it was late in the night. The infant was found alive the next day, and one of the children scalped by the Indians recovered.

COLONEL BEELER, some time previous to the year 1780, attempted to form a settlement along the ridge that separates the waters of Big and Middle Grave creeks. Indian depredations became so frequent and so terrible that Colonel Beeler, in company with Joseph Tomlinson, of the fort at Grave creek, and Ryerson, of Ryerson's Station, Pennsylvania, walked through the snows of winter to Philadelphia to ask aid. The following spring, in answer to their entreaties, Captain Jeremiah Long, with fifty-three men, was sent to Beeler's Station.

Moundsville.—January 13, 1798, a ferry was established from lands of Joseph Tomlinson, at the mouth of Little Grave creek, across the Ohio. The same

year a town was laid out by the owner of these lands, and named Elizabethtown, in honor of his wife. The same was established by legislative enactment, January 18, 1803, with Joseph Biggs, Lazarus Harris, Jonathan Purdy, Jeremiah Woods and Jacob Wetzel, trustees. Elizabethtown was incorporated February 17, 1830. In 1831, the town of Moundsville was laid out by Simeon Purdy. The same was established by legislative enactment, January 28, 1832, with John Riggs, Lewis D. Purdy, John B. Roberts, Blair Morgan, Samuel Dorsey, Samuel Tomlinson, David Lockwood, Christopher Parrott and James Ramsey, trustees. By act of the Legislature, passed February 23, 1866, the towns of Moundsville and Elizabethtown were consolidated into one corporation under the name of the Town of Moundsville. The first officers were as follows: Mayor, Robert McConnell; Clerk, H. W. Hunter; Sergeant, David Branter; Councilmen, William L. Roberts, William Allum, W. K. Wade, Morris Rulong, Richard Shadduck and J. B. Shimp.

The Mammoth Mound, from which Moundsville receives its name, is the largest of a number of mounds in this vicinity, and stands near the centre of the town. It is 69 feet in height and the base 900 feet in circumference. On cutting transversely the trunk of an oak that once crowned the summit, the concentric circles showed an age of 500 years. This mound was discovered by Joseph Tomlinson a short time after his location at the place. Yielding to the importunities of his friends, Tomlinson opened the mound in 1838. The work was begun from the northern side at the level of the surrounding ground. At a distance of 111 feet from the circumference a vault was reached which had

been excavated before the building of the mound. This vault was seven feet in depth, eight feet wide and twelve feet long. Upright timbers stood at the side and ends, which had once supported transverse beams closing the top of the vault. Over these had been placed unhewn stones, which by the timbers giving way had fallen into the vault. Particles of charcoal where the timbers were first placed, led to the belief that fire had been used in severing them, instead of edged tools. Within the vault were two skeletons. One was surrounded with ivory beads and wore an ivory ornament six inches long, nearly two inches wide at the centre and tapering to half an inch at each end. The other skeleton was without ornament. The excavation revealed blue spots in the earth composing the mound, which upon examination were found to contain ashes and bits of bones, and are believed to be the remains of bodies burned before they were interred. An excavation from the top of the mound disclosed a vault similar in construction to the one beneath. This one contained a skeleton ornamented with beads, sea-shells and copper bracelets. Pieces of mica were strewn over the skeleton, and near it was found a small flat stone inscribed in antique characters, which thus far have baffled all attempts at deciphering. The stone may now be seen at the Smithsonian Institute. The Mammoth mound is one of a series of mounds and other evidences that at some ancient time the place was occupied by a race superior to the savage tribes, which the whites found in possession of it.

The State Penitentiary is located at Moundsville. After the organization of the new Commonwealth, the State convicts were confined in the county jail at

Wheeling, appropriations being made from time to time to provide for them. January 30, 1866, a bill to provide a penitentiary for the State was reported to the House of Delegates by R. P. Camden, a member of the committee on Humane and Criminal Institutions. February 7 the bill came to its second reading, at which time the location was fixed at Moundsville. The House passed the bill February 8, and the Senate gave its concurrence on the 16th ensuing. The erection of the building was begun in July following. The institution cost the State \$363,061.15.

The farm once owned by James McMechen in the lower end of the county,—twenty eight miles below Wheeling, is a spot of historic interest for the reason that it was here that the Virginia Regiment, commanded by General William Darke, spent the winter of 1790–1 when on its way to Fort Washington to join the ill-fated expedition of General St. Clair.

BRAXTON.

Braxton county was created by Act of Assembly, January 15, 1836, and named in honor of Carter Braxton, one of Virginia's signers of the Declaration of Independence. Its present area is 620 square miles. The first court was held at the house of John D. Sutton. The commissioners named in the act to locate the county seat were: John M. Hamilton, of Nicholas; George H. Bell, of Lewis; William Carnifex, of Fayette; James Radcliffe, of Harrison, and John Gilliland, of Pocahontas.

The most extensive view to be had in the State is that from the summit of High Knob, on the farm of John G. Morrison, in this county. The observer beholds objects in twelve different counties—to the north, in Gilmer and Lewis; east, in Upshur, Randolph and Webster; south, Clay, Nicholas, Fayette, Greenbrier and Pocahontas, and to the west, in Calhoun and Roane.

Sutton, the county seat, was established a town by the name of Suttonville—then in Nicholas county—by act of Assembly, January 27, 1826. By act of March 1, 1837, it then being in the new county of Braxton, the name was changed to Sutton, and Benjamin Boggs, William Newland, Andrew Sterrett and Alonzo D. Camden were appointed trustees. The town was incorporated February 20, 1860, when John G. Heffner, James M. Corley, C. W. Kelly, and A. C. Kincaid were appointed to conduct the first municipal election.

Bulltown.—The murder of the friendly Indians, at whose head was Captain Bull, has been narrated in Part I., in the chapter on Dunmore's War. Salt water issuing from the earth, near the margin of the river, had been discovered by the earliest pioneers, and salt in small quantities was made here as early as 1795. But no wells were bored until about the year 1805, when Benjamin Wilson, Jr., and John and Thomas Haymond (the two latter the sons of William Haymond who removed from Maryland and settled in Harrison county in 1773), began drilling wells and erected salt works, which long supplied the surrounding country and the West Fork Valley with that necessary article. Bulltown salt was long quoted in the Clarksburgh market at \$2.50 per bushel.

MERCER.

Mercer county was formed by Act of Assembly, passed March 17, 1837, from parts of Giles and Tazewell, and named in honor of General Hugh Mercer, who fell at Princeton. The act defined the original boundaries to be as follows : "Beginning at the mouth of East river, in Giles county, and following the meanders thereof up to Toney's Mill Dam ; thence along the top of said mountain to a point opposite the upper end of the plantation of Jesse Belcher, deceased ; thence a straight line to Peery's Mill Dam, near the mouth of Abb's Valley ; thence to a point well known by the name of Peeled Chestnuts ; thence to the top of the Flat-Top Mountain ; thence along said mountain with the line of Logan, Fayette and Tazewell counties, to the New river ; thence up and along the various meanderings of the same to the beginning."

At the time of the formation of the county there was not a village in it, but the erection of the county buildings formed the nucleus of a town, which, from the battlefield on which General Mercer fell, was called Princeton. A branch of the State Normal School is located at Concord Church, eight miles from the county seat.

MARION.

Marion was formed from Monongalia and Harrison, by Act of Assembly passed January 14, 1842, and named in honor of General Francis Marion of the Revolution.

Fairmont, then called "Middletown," in Monongalia

county, was established a town, by Act of Assembly, January 19, 1820, on lands of Boaz Fleming, with John S. Barnes, John W. Kelly, Josiah Wolcott, John H. Polsley, Jesse Ice, Benoni Fleming and Thomas Fleming, trustees. By an act of February 4, 1843, the name was changed from Middletown to Fairmont. The State Normal School was established here March 4, 1868.

The Fairmont Male and Female Seminary was incorporated March 12, 1856, with W. C. Cooper, F. H. Pierpont, G. Battelle, James Shaw, L. L. Laidley, Isaac Courtney, George M. Ryan, F. C. Pitcher, C. H. Connally, B. F. Martin, Enoch Conway, E. B. Hall, U. N. Arnett, O. Jackson and James Burns, trustees.

Mannington was incorporated March 4, 1856; the first election of corporate officers was conducted by Samuel Henderson, John C. Lepps and A. N. Pritchard. *Palatine* was incorporated February 7, 1867, and *Boothsville* March 2, 1870.

FRANCIS H. PIERPONT, Governor of Virginia under the "Restored Government," has long resided in this county. He was born four miles east of Morgantown, in Monongalia county, January 25, 1814, on a farm settled by his grandfather, John Pierpont, a native of New York, in 1770. Here he reared a family, one of whom, Francis, wedded Catharine Weaver, and they became the parents of the subject of this notice. In 1827, the family removed to Fairmont, where the son assisted his father on the farm and in the tannery until June, 1835, when he entered Allegheny College, at Meadville, Pennsylvania, from which he graduated in 1839. Returning home, he taught school two years, and then removed to Mississippi, where he continued teaching until called home by the failing health of his

father. In the intervals while teaching, he studied law, and after his return to Fairmont was admitted to the bar. From 1848, for eight years, he was local counsel of the Baltimore and Ohio Railroad Company for the counties of Monroe and Taylor. He took an active interest in politics, and in 1848, was an elector on the Taylor ticket. His action in connection with the New State movement, his election or appointment as Governor of Virginia under the Restored Government, and his conciliatory policy toward the conquered inhabitants of his own State, have been detailed in Part I. of this work. He still resides at Fairmont, where since the war he has been engaged in the practice of his profession

WAYNE.

Wayne, the most western county in the State, has an area of 440 square miles. It was formed from Cabell by Act of Assembly passed January 18, 1842, and named in honor of Anthony Wayne, of Revolutionary fame.

The First Court held for the county of Wayne convened on the 11th day of April, 1842, at the house of Abraham Trout, Sr., who resided on the spot where Trout's Hill, the county-seat, now stands. There were present the following justices: John Wellman, Levi McCormack, John Plymale, Samuel Webb, William Ratcliff, Thomas Copley and Walter Queen. Hugh Bowen was elected clerk of the court for the term of seven years. John Laidley, William McComas, Joseph J. Mansfield, James H. Ferguson and Elisha McComas, attorneys of this State, were granted permission to prac-

tice in the courts of this county. John Laidley was elected commonwealth's attorney. Next, Jeremiah Wellman and Nathan Holt were elected constables. Hiram Chadwick was elected commissioner of the revenue. Samuel Wellman was recommended as a suitable person to fill the office of surveyor of lands. William Morris, Frederick Moore and John Plymale were next recommended as proper persons to execute the office of sheriff.

The First Circuit Superior Court convened on the 6th of May, Judge Lewis Summers presiding. Henry Clarke had previously been appointed clerk of the court. John Laidley was appointed to prosecute in behalf of the commonwealth in this court. Then the said John Laidley, Henry I. Fisher, Joseph J. Mansfield, James H. Ferguson, Evermond Ward, Elisha W. McComas and James H. Brown, all practitioners in the courts of this commonwealth, were granted license to practice in the courts of this county. .

First Land Survey.—The first land survey made within the present limits of the county was that of a tract of 28,627 acres, including the Ohio river bottoms immediately above the mouth of Big Sandy river. It was surveyed by George Washington, in October, 1770, as bounty lands for Captain John Savage and the men composing his company, for services during the French and Indian War. The grant was made in compliance with the proclamation made by Robert Dinwiddie, Governor of Virginia, in 1754, and the Savage patent was signed by John, Earl of Dunmore, December 15, 1772. It read as follows:—

“George III., by the grace of God, of Great Britain, France and Ireland, defender of the faith, etc. : To all

to whom these presents shall come, greeting : Know ye, that for divers good causes and considerations, * * * we have given, granted and confirmed * * * unto John Savage, Robert Langdon, Robert Teemsdall, Edward Waggener, Richard Trotter, Wise Johnston, Hugh McCoy, Richard Smith, John Smith, Charles Smith, Angus McDonald, Nathan Chapman, Joseph Gatewood, James Samuel, Michael Scully, Edward Goodwin, William Bailey, Henry Bailey, William Cofland, Matthew Doran, John Ramsey, Charles James, Matthew Cox, Marshall Pratt, John Wilson, William Johnston, John Williams, Nathaniel Barrett, David-Gorman, Patrick Galoway, Timothy Conway, Christian Bumgardner, John Hanston, John Maid, James Ford, William Braughtner, William Curney, Edward Evans, Thomas Moss, Matthew Jones, Philip Gatewood, Hugh Paul, Daniel Staples, William Lowry, James Ludlow, James Lalrot, James Given, Joshua Jordan, William Jenkins, James Carmacks, Richard Morris, John Ghatson, Robert Jones, William Hogan, John Franklin, John Bishop, George Malcolm, William Coleman, Richard Bolton, John Kincaid and George Hurst, one certain tract or parcel of land containing twenty-eight thousand six hundred and twenty-seven acres, lying and being in the county of Fincastle" (of which the present county of Wayne was then a part). There were sixty-one of the patentees among whom the survey was divided, and this would give to each 470 acres.

Pioneers.—The first settler near the forks of the Big Sandy appears to have been Samuel Short, who reared his cabin where the town of Cassville now stands, about the year 1796. Robert Tabor followed him, and in 1798 patented a tract of land of 2500

acres. Thomas Short, Sr., Thomas Short, Jr., Samuel Hatton, William Adams, Peyton and Joseph Newman, John and Richard Graystun, Thomas Vaughan, Peter Loar, Benjamin Sperry and William Artrip, all came and found homes near him, probably before the year 1800. John Wellman came in 1802; Robert Webb, with a family of two sons and three daughters, settled just below the site of Cassville in 1804. Other early settlers were Michael Burke, John Smith, Pleasants Workman, Joel Ferguson, James Bartram, William Perry, Solomon Perry, Joseph Fulkerson, John Breeden, Jesse Cyrus, John Deering, Jesse Stith, Goodwin Lycan, Samuel Smiley, John Thompson and Abraham Queen.

The first settler within the present limits of Ceredo district was Stephen Kelley, who came to the mouth of the Big Sandy and reared his cabin on Virginia Point, in 1798. His first neighbor was Matthew Belomy, who in 1799, built his cabin within a hundred yards of the place where the Chesapeake and Ohio railroad bridge now spans the Big Sandy. The year 1800, witnessed the founding of several other homes. William Hatton settled just below the mouth of White's creek; Benjamin Maxy near him; Leonard Sharp at Sharp's branch; Samuel Hensley at Miller's branch, all on the banks of the Big Sandy. John Stewart and John Brown settled where the town of Ceredo now stands, and James and Moses McCormick at the mouth of Twelve-pole river.

The first cabin on the upper waters of Twelve-pole river was built by a man named Nevens, in the year 1799. The next year he was joined in his wilderness home by John Wilson, Jacob Noe, John Prinston, Richard Williamson, Hezekiah Wiley, Job Spence,

Lazarus Damron, Daniel Cox, John Jarrel and Henry Hampton.

James Bias reared his cabin at the mouth of Lick creek, on the banks of Twelve-pole river, in the year 1802. His first neighbor was David Bartram, who came in 1803. The year 1807, witnessed the erection of five other cabins on the banks of the little river. These were built by Jesse Adkins, Thomas Napier, Berry Adkins, John Ferguson and William Lambert.

Jesse Spurlock and Samuel Ferguson built their cabin homes near where the court house now stands, in 1802. Both came from Tazewell county, Virginia. In 1806, David France, who is said to have planted the first apple tree on Twelve-pole river, Hezekiah Adkins, John Stephenson, Thomas Chandler, Asher Crocket, Reuben and William Adkins found homes near them. Soon after these came Hugh Bowen, Asa Booten, Daniel Davis, a soldier of the Revolution; Solomon Hensley, Reuben Booten, Jesse Blankenship, John Thompson, who built the first distillery in Wayne county; John Newman, Benjamin Drown, afterward a soldier of the War of 1812; Chester Howe, who built the first grist mill on Twelve-pole river; Valentine Bloss, a soldier of the Revolution; Benjamin Garret, William Morris, Charles Boothe, a soldier of the War of 1812; John Amos, Joshua Stevens, John Savage, a drummer-boy in the command of General Lafayette during the Revolution; Joseph Dean, Jerry Lambert, Abraham, Stephen and Burwell Spurlock.

Trout's Hill, the county seat, was located by the bill which created the county and named in honor of Abraham Trout, the owner of the land on which the town

was laid out. The town was incorporated by an order of the Circuit Court, made June 21, 1882, and Washington Adkins, Jefferson Ferguson and G. F. Ratcliff were appointed to superintend the election of the first officers, who were as follows : Mayor, Washington Adkins ; Recorder, Chapman Adkins ; Councilmen, Dr. G. R. Burgess, G. F. Ratcliffe, G. W. Sellards, W. S. Moore and Addison Adkins.

Ceredo was founded in 1857, by Eli Thayer, a member of Congress from Massachusetts. While visiting his friend, Albert G. Jenkins, on the banks of the Ohio, he met Thomas L. Jordan, from whom he purchased the land upon which the town now stands. On arriving at the site of his proposed town and seeing the bountiful crops with which Ceres had laden the land, he thought it a fit tribute to the fabled goddess to bestow her name upon the town, and accordingly it became *Ceredo*. It had been the dream of Thayer to found an immense manufacturing city, but the Civil War came on, and instead of the realization of the founder's dream, it yet remains a little town of from four to five hundred inhabitants.

The town was incorporated by Act of the Legislature passed February 25, 1866. The first officers were : Mayor, Richard R. Brown ; Recorder, W. H. Stewart ; Councilmen, Charles A. Brown, Lafayette Brown, John Kelly, Patrick McLeese and Robert Wright ; Town Sergeant, R. A. W. Brown.

Fairview was incorporated March 27, 1860, and J. J. Mansfield, Milton J. Ferguson, Hugh Bowen, Washington Adkins and Burwell Ferguson were appointed to hold the first election.

BARBOUR.

Barbour county was formed by legislative enactment, March 3, 1843, from parts of Harrison, Lewis and Randolph, and named in honor of Philip P. Barbour, who was Governor of Virginia in 1811, and a member of the United States Senate from 1815 to 1825; Secretary of War during the administration of John Q. Adams, and Envoy Extraordinary and Minister Plenipotentiary to Great Britain in 1828.

Philippi, the county seat, in which is commemorated the Christian name of him for whom the county was named, was established a town by an Act of Assembly passed February 14, 1844, with L. D. Merrell, James L. Burbridge, William Shaw, John R. Williamson and William Wilson, trustees.

RITCHIE.

The act creating the county of Ritchie was passed February 18, 1843, the county being formed from parts of Lewis, Harrison and Wood.

THOMAS RITCHIE, from whom the county derives its name, was Virginia's most famous journalist. He was born in 1778, and edited the Richmond *Enquirer*—formerly the *Examiner*—from 1804 to 1845, when he became the editor of the Washington *Union*. He died in 1854.

The county is drained principally by Hughes river, named in honor of Jesse Hughes, though the stream on Samuel Lewis' map, drawn in 1794, to accompany "Jefferson's Notes on Virginia," is called Junius river.

Harrisville—then in Wood county—was laid out by Thomas Harris, and legally constituted a town by act of January 3, 1822, with James Mealy, Joseph Stewart, William L. Mitchell, John Harris and Edward Shelton, trustees. It was made the county seat by the act creating the county, and the first court was required to be held at the house of John Harris. The town was incorporated February 26, 1869.

Smithsville—then in Lewis county—was established a town by Legislative enactment, February 14, 1842, on lands of Barnes Smith, with James Malone, James Hardman, Isaac S. Collins, Daniel Ayers and Benjamin Hardman, trustees.

TAYLOR.

Taylor county was formed from Harrison, Barbour and Marion, by act of Assembly, January 19, 1844, and named in honor of General Zachary Taylor.

Pruntytown—then in Harrison county—was established a town under the name of Williamsport, January 8, 1801, on lands the property of David Prunty, at a place called the "Cross Roads," and Robert Plummer, James Cochran, John Asbury, Peter Johnson and Vincent Leek, were appointed trustees. By an act of Assembly, January 23, 1845, the name was changed from Williamsport to Pruntytown. The act creating the county fixed the seat of justice at Williamsport.

Grafton, the present county seat, was incorporated March 15, 1856; Flemington, on the 16th of March, 1860, and Fetterman, February 26, 1869.

DODDRIDGE.

Doddridge county was formed by legislative enactment, February 4, 1845, from parts of Harrison, Tyler, Ritchie and Lewis, and named in honor of the distinguished Philip Doddridge.

PHILIP DODDRIDGE was a native of Pennsylvania, born in Bedford county, May 17, 1772. Facilities for acquiring an education were very meagre in the vicinity of his home. His father was his instructor, until at the age of 17, he was placed under the care of a private tutor at Wellsburg, Virginia, where he applied himself to the study of Latin. This place, in 1796, became his permanent home. Young Doddridge, curious to see the world, made an engagement with the proprietor of a flat-boat engaged in transferring flour and bacon to New Orleans. On his return he applied himself to the study of law, with little assistance other than his own industry and genius. In 1797, at the first court held in Brooke county, Philip Doddridge was permitted to practice law in the courts of the county. Thus began his career as an attorney. His growing reputation soon extended beyond the quiet village of Wellsburg, until he was acknowledged the first lawyer in that part of the State. Chief Justice Marshall said of him in after years, "He is second to no one at the bar of the United States;" and Webster observing his portrait declared "He was the only man I ever feared to meet in debate." He was a member of the House of Delegates in 1815-16, and again in 1822-3, and again in 1828-9. He was a member of the Convention for amending the State Constitution in 1829, and the same year was elected to Congress. He died at Washing-

ton, November 19, 1832, and his remains were interred in the Congressional cemetery, where they now rest.

West Union was incorporated by act of Assembly, March 14, 1850. By the act creating the county it was made the county seat, and the first court required to be held at the house of Nathan Davis, at that place.

GILMER.

Gilmer county was formed by legislative enactment, February 3, 1845, from parts of Lewis and Kanawha, and named from Thomas Walker Gilmer.

THOMAS WALKER GILMER, was born at Gilmerton, Albemarle county, Virginia, April 6th, 1802, and educated at Charlottesville and Staunton. He studied law at Liberty, Bedford county, and began the practice of his profession at Charlottesville. He represented Albemarle county in the General Assembly from 1829 to 1840, with the exception of two sessions, and was speaker of that body during the sessions of 1838 and 1839. February 14, 1840, he was elected Governor of Virginia, but a few months later resigned to take a seat in Congress. February 14, 1844, President Taylor appointed him Secretary of the Navy. But his labors were now nearing an end. He was killed by the bursting of a gun on board the American war steamer *Princeton*, at Mount Vernon, February 28, 1844—fourteen days after his appointment.

Glenville, the county seat, was incorporated March 10, 1856, when B. Conrad, George E. Ball, and Preston Pew were appointed to conduct the first municipal election. A branch of the State Normal School was established here February 19, 1872.

WETZEL.

Wetzel county was formed by act of January 10, 1846, from Tyler, and named in honor of Lewis Wetzel, the distinguished frontiersman and Indian scout—the Boone of Northwestern Virginia. The literature of the border is filled with details of his adventures and exploits, some of which have been interwoven into fiction, prominently in the work entitled “Rose Forester,” in which the scene is laid around Mount Pleasant, which is plainly visible from Lancaster, the seat of justice of Fairfield county, Ohio.

New Martinsville, was made the seat of justice by the act creating the county, and was incorporated by act of March 18, 1848.

BOONE.

Boone county was formed in 1847, and named in honor of Daniel Boone, the founder of Kentucky, and one of the representatives from Kanawha county in the General Assembly of Virginia in 1791. The act creating the county fixed the seat of justice on lands of Albert Allen, at the mouth of Spruce Fork, but this location was unsatisfactory to the inhabitants, and by an act of Assembly, March 31, 1848, proper officers were appointed to hold an election, at which the voters should determine between the place fixed and another, on lands of Thomas Price, near the mouth of Turkey creek. The commissioners conducting the election were, Allen McGinnis, of Cabell; John Brumfield and Crispin S. Stone, of Logan; James McGinnis, of Wayne, and Joseph Capehart, of Kanawha.

Peytona, in the northern part of the county, on Cole river, derives its name from William M. Peyton, who was the first to discover and develop the cannel coal deposit at that place. He was born in Montgomery county, Virginia, in 1803, and was the eldest son of the eminent jurist, John Howe Peyton and Agatha, his wife, who was the daughter of William J. Madison, a niece of James Madison, Protestant Episcopal Bishop of Virginia, and of George Madison, Governor of Kentucky. He was educated at Princeton and Yale, after which he began the study of law, which, however, he soon abandoned. He inherited an estate, and having wedded Sallie, a daughter of Judge Allen Taylor, became a member of the Virginia Assembly in 1837, to which he was reelected in 1838. Previously, in 1829, he had been tendered the position of Secretary of Legation to Paris, and later that of United States District Attorney for Western Virginia, both of which he declined. Interested in internal improvements, he, in 1846-7, explored the western part of the State in search of cannel coal, and his labors were rewarded by the discovery of it at the place which now bears his name. He organized a company, and spent a large sum in improving Cole river and in developing the valuable mineral. He was in New York city at the breaking out of the Civil War, and being unable to return to Virginia by the usual route, traveled north to Canada, then west and south, reaching home by way of Kentucky. He died in 1868, and is buried in Thornrose Cemetery, at Staunton, Virginia, where his half-brother, John L. Peyton, the author of "The American Crisis" and a "History of Augusta County," has erected a beautiful cenotaph to his memory.

PUTNAM.

Putnam county, the present area of which is 320 square miles, was created by an Act of the General Assembly passed March 11, 1848, and entitled, "An Act to authorize the formation of a new County from portions of Kanawha, Mason and Cabell counties."

The First County Court convened May 22d, 1848, at the residence of Talleyrand P. Brown, which stood on the present site of the town of Winfield. There were present the following justices: Matthew D. Brown, Alexander W. Handley, John C. Thomas, Sr., Mahlon S. Morris, Lawrence A. Washington, Lewis S. Boling, John Morgan, John Ruffner, William A. Alexander and James Smith. Until a sheriff should be appointed and qualify, Elijah Kimberling was chosen crier *pro. tem.* The Court then appointed the following officers: Hart C. Forbes, County Clerk; George W. Summers, Prosecuting Attorney; Daniel B. Washington, Commissioner of the Revenue; Samuel T. Wyatt, Surveyor of Lands, and Addison Wolf, Coroner. Matthew D. Brown was chosen first high sheriff of the county. At the second or June term, James Hedrick and James M. Laidley were granted license to practice law in the courts of this county, and became the first members of the Putnam County Bar.

Pioneers.—The first settlement in the county was made in what is now Curry district. James Conner visited the vicinity in 1775, and selected the site of his future home. Charles Conner located in 1799. The same year, James Ellis built a cabin on the waters of Big Hurricane. John Dudding located on Kanawha river nearly opposite Johnson's Shoals, about the year

1799. Soon after him came Benedict Lanham, who settled at the mouth of Pocotalico. Other early settlers in this vicinity were the Harmons, Tacketts, Caruthers, Dixons, Asburys, Nulls, and William Hensley, father of William Hensley, Jr., who built the first grist mill in this locality.

The first white man in Teays' Valley was a man named Teays—a relative of Thomas Teays, from whom the valley received its name. The first actual settler was Thomas Reece, who built his cabin in 1800, near the centre of the valley. Soon after came Richard McAllister, George Bentley, Bennett Barrister and Samuel Frazier. The first white men who were ever within the present limits of Buffalo district were George Washington and his surveyors, in the autumn of 1770. In 1800, the Oldakers located on the waters of Eighteen. Jonathan Hill located above the Oldakers in 1816. Thomas Scott came in 1817 and Ira Dilno in 1818, both of whom located on the waters of Eighteen. The first settlement at Red House was made in 1806. Tradition says that a man named Jones settled on the river one-half mile above the present site of Winfield in 1815. Here he raised corn, which he sold to the boatmen at twelve and a half cents per bushel. In 1818, William Clark settled on the river bottom near Winfield. About the same time Lewis Tackett settled at the head of Tackett's Shoals.

Horrible Death of Two Pioneers.—One of the most touching events, an account of which is recorded in the Annals of the West, occurred on the water of Eighteen-mile creek, this county, in the spring of the year 1817. The facts gleaned from persons yet living and who remember the occurrence are as follows:

Previous to the above date, John Green with his family settled on what is now known as Trace fork of Pocotalico river. About the same time, Reuben Harrison settled on Mud Lick fork of Thirteen, in Mason county. Harrison had several sons, among them were Alexander, Josiah and Zebulon, the last a lad of twelve years. The men were all hunters, and often enjoyed the chase together, the Harrison's going to Green's to hunt on Pocotalico, and he in turn visiting them for the purpose of hunting on Eighteen and Thirteen. In the spring of 1817, Mr. Green came on one of these visits, bringing with him his little son Edward, aged eleven years.

During the visit, Alexander Harrison and Mr. Green were hunting alone on Eighteen. After killing a deer, they found, about noon, a tree, which from the scratches they supposed to contain a bear. Leaving their venison they hastened to the residence of Mr. Harrison, seven miles distant, to procure axes. Here the two boys begged that they might be taken along to see the tree felled. Their request was granted, and the four arrived at the tree late in the evening, but upon felling it found no bear. It was not uncommon at that day for hunters to remain out all night, and being weary, they concluded not to return home until the next day. Casting about for a suitable resting place for the night they found a cave under a shelving rock. Here they built a fire, and lay down to sleep, the men on one side, the boys on the other—little dreaming of the terrible awakening. During the night the frozen rock above burst, from the effect of the fire beneath, and a huge mass fell upon them. Both men were crushed from the hips down to the feet; the boys, though badly bruised, were able to crawl out, the rock on their side

being partially supported by the wood they had brought in for fuel. Morning dawned upon the awful scene, the men crushed beneath the weight from which the boys could not extricate them. They begged for water, and the boys poured the powder from the horns and brought it. They were bewildered and knew not the way home—the only place from which help could come. The day passed, night came and no relief. Then followed another day and night of the most intense suffering to which any human being was ever subjected. Their friends alarmed at their long absence were searching for them, and late in the evening of the fourth day, Josiah Harrison found them. What a sight met his gaze! Death had already relieved his brother, and Green was speechless. The boys were ready to die from hunger and wounds. Placing them upon the horse he was riding, he hastened to bring assistance. As he was leaving, Green turned his head and cast a longing look of despair after him. He conducted the lads home, and, collecting aid, made haste to return to the sad spot. Ere they arrived, Green's spirit, too, had taken its flight. Only two masses, crushed almost beyond recognition, remained. The rock was removed and the bodies taken out. No coffins enclosed them. Logs were cut from which wide slabs were split, then narrow graves were dug, a slab placed in the bottom, one on edge at each side. The bodies were then placed within, another slab covered them, and all that was mortal of John Green and Alexander Harrison was buried at the entrance of the cave.

Tackett's Pine.—For nearly a hundred years "Tackett's Pine" has been pointed out to the traveler as one

of the remaining landmarks of the struggle with the Red men for the possession of the Great Kanawha valley. It stood upon the summit of a lofty ridge opposite Knob Shoals, one mile above the town of Buffalo. Soon after the close of the Revolution a man named Tackett settled near the mouth of Cole river. In 1786, while engaged in the chase, he was taken prisoner by a band of savages. They bound Tackett, placed him in a canoe, and descended the river to the Shoals, where they landed. Marching their prisoner to the top of the hill above mentioned, they bound him with buckskin thongs to a pine tree. When he was firmly secured, they departed, leaving him in this condition. It was near the middle of the afternoon, and the prisoner expected them to return and release him ere dark came on, but in this he was mistaken. Night came and went; morning dawned, and found him with aching limbs, tormented with a burning thirst, his arms almost wrenched from their sockets. Dim thoughts rushed through his brain. Had his tormenters gone never to return? Or, would they come and release him, reserving him for a more terrible fate? He called aloud, hoping that some one, either friend or foe, would hear and relieve him. Twenty-four dreadful hours had passed—hours into which it seemed a lifetime of suffering had been crowded. The sky was now overcast. The thunder reverberated among the surrounding hills. A hurricane swept through the forest, and the tree to which he was bound swayed back and forth as if it must yield before the raging tempest. The rain descended in torrents and the hail beat upon his bare head. He made an effort to change his position, and the bonds seemed to slacken; the rain had caused the

thongs to give way; one mighty effort, and he was free. He rushed down the mountain, plunged into the river, and swam it at the shoals ever since known by his name. Just as he touched the shore he heard a shout of disappointment from his enemies. It was thirty-eight miles to Clendenin's fort, but Tackett never halted until he was safe within its walls. He remained in the valley until after Wayne's treaty with the Indians, spent several years in the western country, and finally returned to Virginia, in which State he died. The tree has now fallen to the ground, and around its lifeless trunk are scattered fragments of bark on which were carved the names of many who had visited the spot. The tree will soon be gone, but Tackett's Pine will have an existence on the pages of the history of the Great Kanawha Valley.

Buffalo is the oldest town on the Kanawha river, between Charleston and Point Pleasant. The land upon which the town stands originally belonged to Mr. Clarke, who gave it to his daughter, Mary A. Clarke. She afterward married Benjamin K. Craig, who laid out the town in 1834. It was named from the post-office at the mouth of Big Buffalo creek, four miles above, but which was removed to the new town the same year in which it was founded. It was incorporated in 1837. The first Board of Trustees were: Benjamin K. Craig, Matthew D. Brown, Zila Burch, Dr. James Beaty and Irvin McCoy. The Buffalo Academy was established in 1849, by a joint stock company composed of Irvin McCoy, J. E. Pitrat, Benjamin K. Craig, L. L. Bronough, George E. Allen and others. The first principal was George Rosetter, A.M., afterwards of Marietta College, Ohio. It continued to -

be a flourishing institution until the beginning of the Civil War, when it was occupied alternately as a barrack by soldiers of the Federal and Confederate armies, and during the time all the furniture and apparatus was destroyed. After the war the building was deeded to the Board of Education of Buffalo district, and became a public school building.

Winfield.—The site upon which the town stands was a part of a tract of land of 400 acres which once belonged to Charles Brown. He established a ferry across the river at this place about the year 1818. George C. Bowyer built the first hotel in the year 1850. It was occupied first by Dudley S. Montague. The first church was erected by the Methodists in 1856. It was destroyed by the Federal soldiers during the late war. The town was incorporated February 21, 1868.

Raymond City, located at the mouth of Pocotalico river, was incorporated July 16, 1868. Tradition says that a man named Null discovered coal near this place about the close of the last century, but no effort was made at mining until the close of the Civil War. A company was organized in 1865, of which General Averill, a prominent Federal Cavalry officer, was president. Work has been continued ever since and is now prosecuted by the Marmet Mining Company of Cincinnati.

JOHN BOWYER, a pioneer of this county, was born in Greenbrier county, Virginia, April 26, 1794. At the age of eighteen he enlisted for the War of 1812, becoming a member of Captain John McClung's Greenbrier company, and was appointed regimental ensign, which then ranked as a lieutenancy. At the close of the war he was appointed United States

Marshal for the western district of Virginia, a position which he held for twelve years. Afterward he held the position of Commissioner of Revenue and United States Commissioner. In 1827, he married Mrs. Crawford, a widow, at Blue Sulphur Springs. He died at Winfield, this county, December 18, 1878, aged eighty-four years.

SYDENHAM HEREFORD, M. D., was born in Loudoun county, Virginia, June 17, 1811. He was educated at the grammar school of Rev. John Ogleby, in Fauquier county, and entered upon the study of medicine. He graduated from Jefferson Medical College in 1833. While practicing his profession in Rectortown, Fauquier county, he married an accomplished lady, Lovenia S. Flowery. In 1836, he removed to Gallipolis, Ohio. The following year he located at Buffalo, then in Mason county, Virginia, now in Putnam county, West Virginia. In 1847, he removed to Red House Shoals, where he continued the practice of medicine until 1871, when he abandoned it for mercantile pursuits. In 1863, he lost his wife by death, but afterward married Mary E., sister of Captain A. J. Burford, late of the Confederate army.

JAMES H. HOGE was born near Staunton, Virginia, April 9, 1830. He was admitted to the bar in 1850, and located at Howardsville, Albemarle county, but removed to Winfield, Putnam county, in 1852. In May, 1856, he was elected prosecuting attorney of his adopted county, and a year later married Sarah C., daughter of John G. Wright, of Charleston, West Virginia. In 1859, he was commissioned a Colonel of the State troops of Virginia. In 1860, he was reelected prosecuting attorney, and a few weeks later was chosen a delegate to the State Convention which convened at

Richmond in April, 1861. In the fall of 1866, Daniel Polsley, Judge of the Kanawha Valley Circuit, was elected to Congress, and the following February James H. Hoge was appointed to fill the vacancy upon the bench. At the expiration of the term he was elected to the same office. He died at Winfield, West Virginia, August 12, 1882.

WIRT.

Wirt county was created by Act of Assembly, passed January 19, 1848, and named in honor of the distinguished William Wirt. It has an area of 290 square miles.

The First Circuit Court convened on the 4th day of April, 1848, at the house of Alfred Beauchamp, Judge David McComas presiding. Alfred G. Stringer was elected clerk, with John G. Stringer, H. Kyger, D. Wilkinson and Clermont E. Thaw as his bondsmen. John G. Stringer was appointed State's Attorney. Edward Tracewell was made Tipstaff. William E. Lockhart was appointed Commissioner in Chancery, and Daniel Wilkinson and William P. Rathbone Commissioners to take depositions. John F. Snodgrass, James M. Stephenson, John G. Stringer, Peter G. Van Winkle, Jacob B. Blair, Arthur I. Boreman, John J. Jackson, Clermont E. Thaw, John E. Hays, and John O. Lockhart, attorneys, appeared and were granted license to practice in the courts of this county. Thus was instituted the first Wirt county Bar, and it is doubtful if any bar in the State ever presented a greater array of talent. Snodgrass was afterward a member of Congress; Stephenson represented Wood county

in the General Assembly of Virginia; Van Winkle was one of the first United States Senators from West Virginia; Blair was afterward a member of Congress, Minister to Costa Rica during President Johnson's Administration, and later a judge of the United States court for the district of Wyoming Territory; Boreman became Judge of the 19th Judicial Circuit, served two terms as Governor of West Virginia, and represented the same in the United States Senate; Jackson was afterward State's Attorney for Wood county, represented the same in the General Assembly, and was president of the Second National Bank of Parkersburg from 1865 until his death. He was the father of Governor Jacob B. Jackson, of J. J. Jackson, Judge of the United States District Court of West Virginia, and of J. M. Jackson, Judge of the 5th Judicial Circuit of West Virginia.

Pioneers.—Among the pioneers who first reared cabin homes within the present limits of the county, were William Beauchamp, who settled where the town of Elizabeth now stands, in the year 1796; Benjamin Roberts, Thomas Prebble, and Jonathan Shepherd from the South Branch of the Potomac, the latter bringing with him his three sons, William, Samuel and Henry. Then came Samuel Coe and William Walls, who settled on Reedy creek; William Petty, John Petty and John Wilson, from Harrison county; John Bennett, who settled on Tucker's creek, and Jacob, Frederic and Andrew Bumgardner, Richard Reeder, Charles Rockhold, Elijah Rockhold and Jeremiah Wiseman.

Elizabeth, the county seat of Wirt, is situated on the south bank of the Little Kanawha, thirty-one miles

from its mouth. As before stated, William Beauchamp was the first settler here. If the traveler who visits the town will take a stroll into the cemetery near by, he will observe a rude gray sandstone slab, now, like the body of him whose resting place it marks, rapidly crumbling to dust. From it he will learn that William Beauchamp was born in 1743, and died in 1808. Beneath it reposes all that was mortal of the first pioneer of Wirt county. In 1799, he was joined by David Beauchamp and Charles Rockhold, and a year later Ezekiel McFarland came and erected his cabin near by. The Beauchamps built a grist mill in 1803, and from that time until 1817, the place was known as Beauchamp's Mills, but in that year the name was changed to Elizabeth in honor of the wife of David Beauchamp, whose maiden name was Elizabeth Woodyard.

Burning Springs, on the north bank of the Kanawha, has a history which reads like romance. Its recital calls to mind the early days of San Francisco, the metropolis of California. Here was the Eldorado of 1860 and 1861. In the former year news of the discovery of one of the greatest petroleum-producing regions then known on the globe went out to the world from this place. In August of that year there was not a score of souls in the vicinity, and six months later, the morning Fort Sumter was fired upon, there were no less than six thousand persons here. It was a swarming mass of humanity representing almost every nation on earth. Capitalists and adventurers from every part of the continent rushed hither as did many thousand others to California eleven years before. United States Senators, members of Congress—one of

whom was James A. Garfield,—governors of States, and many others high in official position, came in pursuit of what proved to be but another "South Sea Bubble." Fortunes were made and lost in a day, a town arose as if by magic, and in the spring of 1861, the Chicago hotel—every part of which was rendered brilliant by mains filled with natural gas, had arisen upon what was six months before a thicket of underbrush. A single well furnished a sufficient quantity of gas to illuminate the cities of America. It was used for light, for fuel and for generating steam, but at last it failed. It was a dark, stormy night in the winter of 1867, that every light and every fire in the town was suddenly extinguished. The supply in the great natural reservoir had become exhausted, and many families suffered from the extreme cold before a supply of fuel could be obtained from another source.

Hundreds of thousands of barrels of oil were shipped from this place within the years 1860 to 1870. On the 9th day of May, 1863, a detachment of Confederate troops, commanded by General Jones, visited the place and kindled the largest fire ever started in West Virginia. One hundred thousand barrels of oil were simultaneously ignited, and the light that night was plainly visible at Parkersburg—distant forty-two miles.

HANCOCK.

Hancock county was formed in compliance with an Act of Assembly, passed January 15, 1848, and named in honor of John Hancock, President of the Continental Congress of 1776, and the first signer of the Declaration of Independence. Its area is 100 square miles.

The First Court, in pursuance of the act creating the county, met at the house of Samuel C. Allison, in New Manchester; John Pittenger, David Pugh, Andrew Henderson, John Gardner, David Wylie, William H. Grafton, and John Mayhew were the justices constituting said court. The court elected John Atkinson, Clerk; Robert Brown, Prosecuting Attorney; Josiah A. Adams, Commissioner of Revenue; Thomas J. Hewitt, Surveyor. David Wylie and Joseph Cameron were appointed to hold the first election. David Wylie, William H. Grafton, and John Mayhew were recommended as fit persons to execute the office of sheriff, and William H. Grafton and John Mayhew as proper persons to execute the office of coroner. James Cochran and Alexander D. Pugh were appointed constables.

Contest for the County Seat.—The act creating the county of Hancock left the selection of a site for the seat of justice to the people. New Manchester—now Fairview—and New Cumberland were named in the election, the latter receiving a majority of thirteen votes. The County Court refused to remove the courts to New Cumberland. At a second election, April 25, 1850, a majority of forty-six votes were polled in favor of New Cumberland. The courts were removed after some delay, but now a dispute sprang up as to the location

of the court house. This was pending when the advocates for New Manchester obtained a third election in 1852, which resulted in a majority of one vote for that place, and the courts were returned thither.

Pioneers.—About the year 1776, a man named Holliday settled in what has ever since been known as Holliday's Cove. Shortly after the close of the Revolution, several soldiers who had served during the war, moved westward and settled what is now Hancock county. Among these were Colonel Richard Brown, a native of Maryland, who served under the command of George Washington—he with his wife and children settled on a tract of 1000 acres in Holliday's Cove; John Edie, a native of Pennsylvania, who became county surveyor and made many of the early surveys in the region embraced within the limits of Hancock county; Colonel George Stewart, a native of Ireland, but who, prior to the war, emigrated to eastern Pennsylvania—in 1790, he with his family settled in what is now Grant district. About the year 1780, James Allison emigrated from Maryland and located within the present limits of Grant district. In 1783, George Chapman located a tract of 1000 acres upon which a part of New Cumberland was afterward laid out. James Campbell settled on King's creek, three miles from the mouth, in 1783. Jacob Nessley removed to Hancock county from Lancaster county, Pennsylvania, in 1785. Ten years later, William Chapman came from Eastern Virginia. Alexander Morrow, a native of Ireland who emigrated to New Jersey in 1793, five years later moved westward to Hancock county. In 1800, Hugh Pugh located 400 acres where Fairview now stands. Burgess Allison came in 1801. Alexander Scott, of Pennsylvania, settled

one mile northwest of Fairview, in 1802. In 1812, William Langfitt settled near Fairview.

The Poe Brothers.—The famous encounter of the Poe brothers with the Wyandotte chieftains occurred at the mouth of Tomlinson's run, in Hancock county. The following account is subjoined from Howe's "Historical Collections."

"In the summer of 1782, a party of seven Wyandottes made an incursion into a settlement some distance below Fort Pitt, and several miles from the Ohio river. Here finding an old man alone in a cabin, they killed him, packed up what plunder they could find and commenced their retreat. Among their party was a celebrated Wyandotte chief, who in addition to his fame as a warrior and counselor, was, as to his size and strength, a veritable giant.

"The news of the visit of the Indians soon spread through the neighborhood, and a party of eight good riflemen was collected in a few hours for the purpose of pursuing them. In this party were two brothers, Adam and Andrew Poe. They were both famous for courage, size and activity. This little party commenced the pursuit of the Indians with the determination, if possible, not to suffer them to escape as they usually did on such occasions, by making a speedy flight to the river, crossing it, and then dividing into small parties, to meet at a distant point in a given time. The pursuit was continued the greater part of the night after the Indians had done the mischief. In the morning the party found themselves on the trail of the Indians which led to the river. When arrived within a little distance of the river, Adam Poe left the party, who followed directly on the trail, to creep along the brink

of the river bank, under cover of the weeds and bushes, to fall on the rear of the Indians should he find them in ambuscade. He had gone but a short distance when he saw the Indian rafts at the water's edge. Not seeing any Indians, he stepped softly down the bank, with his rifle cocked. When about half way down, he discovered the large Wyandotte chief and a small Indian within a few steps of him. They were standing with their guns cocked and looking in the direction of Poe's party, who by this time had gone some distance lower down the bottom. Poe took aim at the large chief but his rifle missed fire. The Indians hearing the snap of the gun lock, instantly looked around and discovered Poe, who being too near them to retreat, dropped his gun, and sprang from the bank upon them, and seizing the large Indian by the clothes on his breast and at the same time embracing the neck of the small one, threw them both to the ground himself being uppermost. The small Indian soon extricated himself, ran to the raft, got his tomahawk and attempted to dispatch Poe, the large Indian holding him fast in his arms with all his might, the better to enable his fellow to effect his purpose. Poe, however, so well watched the motions of his assailant, that, when in the act of aiming a blow at his head, by a vigorous and well directed kick he staggered the savage, and knocked the tomahawk from his hand. This failure on the part of the small Indian was reproved by an exclamation of contempt from the large one.

"In a moment the Indian caught up his tomahawk again, approached more cautiously, brandishing his tomahawk and making a number of feigned blows in defiance and derision. Poe, however, still on his guard,

averted the real blow from his head by throwing up his arm and receiving it on his wrist, in which he was severely wounded, but not so as to entirely lose the use of his hand. In this perilous moment, Poe by a violent effort, broke loose from the Indian, snatched up one of the small Indian's guns and shot the small Indian through the breast, as he ran up a third time to tomahawk him. The large Indian was now on his feet, and grasping Poe by the shoulder and leg threw him down on the bank. Poe instantly disengaged himself and got on his feet. The Indian then seized him again, and a new struggle ensued, which, owing to the slippery state of the bank ended in a fall of both combatants into the water. In this situation it was the object of each to drown the other. Their efforts to effect this were continued some time with alternate success, sometimes one being under the water and sometimes the other. Poe at length seized the tuft of hair on the scalp of the Indian, with which he held his head under water until he supposed him drowned. Relaxing his hold too soon, Poe instantly found his antagonist on his feet again and ready for another combat. In this they were carried into the water beyond their depth and were compelled to lose their hold on each other and swim, each for his own safety. Both sought the shore to seize a gun and end the contest with bullets. The Indian, being the best swimmer, reached the land first. Poe seeing this, immediately turned back into the water to escape being shot, if possible, by diving. Fortunately the Indian caught up the rifle with which Poe had killed the other warrior. At this juncture, Andrew Poe, missing his brother from the party, and supposing from the report of the gun that he was either killed or engaged in con-

flict with the Indians, hastened to the spot. On seeing him Adam called out to him to kill the big Indian on shore. But Andrew's gun, like that of the Indian, was empty. The contest was now between the White and the Indian, who should load and fire first. Very fortunately for Poe, the Indian in loading drew the ramrod from the thimbles of the stock of the gun with so much violence that it slipped from his hand and fell a little distance from him. He quickly caught it up and rammed down his bullet. This little delay gave Poe the advantage. He shot the Indian as he was raising his gun to take aim at him.

"As soon as Andrew had shot the Indian, he jumped into the river to assist his wounded brother to shore; but Adam, thinking more of the honor of carrying the scalp of the big Indian home as a trophy of victory than of his own safety, urged Andrew to go back and prevent the struggling savage from rolling himself into the river and escaping. Andrew's solicitude for his brother's life prevented him from complying with this request. In the meantime the Indian, jealous of the honor of his scalp even in the agonies of death, succeeded in reaching the river and getting into the current, so that his body was never obtained. An unfortunate occurrence took place during the conflict. Just as Andrew arrived at the top of the bank for the relief of his brother, one of the party, who had followed close behind him, seeing Adam in the river and mistaking him for a wounded Indian, shot at him and wounded him in the shoulder. He, however, recovered from his wounds. During the contest between Adam Poe and the Indians, the party had overtaken the remaining six of them. A desperate conflict en-

sued, in which five of the Indians were killed. The loss of the whites was three men killed and Adam Poe severely wounded. Thus ended the Spartan conflict, with the loss of three valiant men on one part and that of the whole Indian party, except one warrior. Seldom has a conflict taken place which in the issue proved fatal to so great a proportion of those engaged in it.

"The fatal result of this little campaign on the part of the Indians, occasioned a universal mourning among the Wyandotte nation. The big Indian and his four brothers, all of whom were killed at the same place, were among the most distinguished chiefs and warriors of their nation. The big Indian was magnanimous as well as brave. He, more than any other individual, contributed by his example and influence to the good character of the Wyandottes for lenity toward their prisoners. He would not suffer them to be killed or mistreated. This mercy to captives was an honorable distinction in the character of the Wyandottes, and was well understood by our first settlers, who, in case of captivity, thought it a fortunate circumstance to fall into their hands."

Fairview.—About the year 1800, David Pugh located a large tract of land embracing the present site of Fairview. In 1810, he laid out a portion of his land into lots, one hundred and thirteen in number, and named the embryo town New Manchester, though the post-office established here received the name of Fairview. The town was incorporated by legislative enactment, as Fairview, February 10, 1871. At the request of the citizens the act of incorporation was repealed December, 1873. It became the permanent county seat by election in 1852.

New Cumberland.—The town was laid out in lots, forty-two in number, in 1839, by John Cuppy. The founder called the place "Vernon," but afterward changed the name to New Cumberland, in deference to the wishes of the first purchasers of lots. The eastern addition to the town was laid out in 1848, by Joseph L. Ball, Thomas Elder and John Gamble. Other additions were made in 1850.

RALEIGH.

Raleigh county was formed from Fayette by act of January 23, 1850, and named in commemoration of Sir Walter Raleigh. The act creating the county made the town of Beckleyville the county seat. It was incorporated in 1850. Here, in the village school house, in March, 1850, the first court convened. It was composed of the following named justices: James Goodall, Robert Scott, Samuel L. Richmond, Robert Warden, Cyrus Snuffer, Lucien B. Davis, John T. Sarrett, Benjamin Linkous, and John Stover. The first county officers were: Sheriff, John T. Clay; Prosecuting Attorney, Edward W. Bailey; County Clerk, Daniel Shumate; Circuit Clerk, Alfred Beckley; Assessor, John H. Anderson.

Pioneers.—Among the early pioneers were Vincent Philips, Samuel Pack, Samuel Richmond, Henry Hill, Joseph Carper, Sparriel Bailey, Booker Bailey, Joshua Roles, Daniel Shumate, Sr., Cyrus Snuffer, Owen Snuffer, James Bryson, John T. Sarrett, Wilson Abbott, Lemuel Jarrell, Jacob Harper, John Stover and Fielding Fipps.

GENERAL ALFRED BECKLEY.—The following sketch of General Beckley was written by himself in 1887, and placed in the possession of J. C. Alderson, of Wheeling, who published it in the *Register* of that city, soon after the death of the subject, which occurred May 28, 1888:—

“Alfred Beckley, Sr., born in Washington City, on Capitol Hill, on the 26th day of May, 1802, during the first term of the immortal Thomas Jefferson’s presidency. My father, John Beckley, was the Clerk of the House of Representatives during the presidency of Washington, the elder Adams and Jefferson; was in 1783, Mayor of the city of Richmond, and a member of the Board of Aldermen, Clerk of the House of Delegates, and Secretary of the Convention of Virginia on the Constitution of 1788. He was the warm personal and political friend of Jefferson, and was the first Librarian of Congress.

“My father died on the 8th day of April, 1807, and in that year my mother removed to the city of Philadelphia with myself, a boy of five years, her only child. She lived in Philadelphia till some time in May, 1814, when she removed to Frankfort, Kentucky. While in Philadelphia, I was sent to several schools of repute, and in Kentucky was the pupil of Kean O’Hara, one of the finest classical teachers in that State, and became a good Latin scholar. In 1819, Mr. Monroe, then President, and a warm personal friend of my father, on the application of my mother, through Gen. William Henry Harrison, gave me the warrant of cadet of the United States Military Academy at West Point, N. Y., and this warrant, signed by the great War Secretary, John C. Calhoun, I keep as a relic of the past. Upon

Gen. Harrison's invitation, I became an inmate in his family at North Bend for six months, availing myself of the instruction of Gen. Harrison's private instructor to his children. In August, the General placing me in the care of a Mrs. Kinney, and paying my traveling expenses to West Point out of his own pocket, I started for West Point, but was taken sick on the journey, and did not reach the Point till the 25th of September, 1819, when my class of 1823, had been at their studies a whole month. I was examined alone by the academic staff, and admitted on the 25th of September. I graduated on the 1st of July, 1823, number nine in a class of thirty-five, and was commissioned as a Second Lieutenant of the Fourth Regiment of United States Artillery on the same day. I served thirteen years honorably in the United States Army; two years in Florida, 1824 to 1826; two years at Old Point Comfort in West Virginia, in the schools of artillery practice; six years on ordnance duty at the Allegheny arsenal near Pittsburgh, and two years in garrison at Fort Hamilton Narrows, New York. In 1836, having married Miss Amelia Neville Craig, daughter of Neville B. Craig, Esq., editor of the Pittsburgh *Gazette*, I resigned my commission as First Lieutenant, and removed to Fayette county, Va., to improve a body of unsettled stony lands for my widowed mother and myself, lying in the southern part (now Raleigh county). I devoted myself to the building up of wild lands, was instrumental in the building of the Giles, Fayette and Kanawha turnpike, and on the establishment of the new county, now embracing above 10,000 inhabitants, I was the first Clerk of the Circuit Court of Raleigh county, and in 1872, the County Superintendent of Schools;

was Treasurer of the School Funds ; was the delegate from the Thirteenth Electoral District of Va. to the National Whig Convention at Baltimore and voted for Henry Clay and Theodore Frelinghuysen as President and Vice President. In 1876, I was a delegate at large from West Virginia to the National Democratic Convention in St. Louis, Mo., and in 1877, represented Raleigh county in the House of Delegates at Wheeling, and was appointed by that Legislature to deliver, at the evening session of February 22, 1877, an address on the character of George Washington, and to read his farewell address. These duties I performed, and received the unanimous thanks of the House of Delegates. I was as warm an advocate for the acts of that Legislature, eventually placing the State Capitol at Charleston, as any other member, and rejoice that our efforts were successful.

“In 1849, the General Assembly of Virginia elected me as Brigadier General of Militia, creating for me a new brigadier district. In the civil war of 1861 to 1865, I was called out by General Henry A. Wise, and served with my brigade in guarding the fastnesses of Cotton Hill and the ferries of New river. The militia rendered poor service, and at my earnest solicitation General Floyd disbanded the militia early in 1862, at Jumping Branch. In 1862, Colonel Hays garrisoned Raleigh Court House with part of the 23d Regiment of the Ohio Volunteers, and I came home and surrendered myself to Colonel Hays. In April, 1862, General John C. Fremont sent a telegraphic order from Wheeling to Colonel Hays to arrest me and send me under guard to the headquarters of the Mountain Department at Wheeling. I was started with a guard of a lieutenant,

sergeant and eight privates, but at Charleston General Core sent back the guard and told the lieutenant to conduct me honorably to Mountain Headquarters. After some detention Fremont sent me on to Camp Chase prison. I was in Pen No. 2, about a month when Governor Todd released me on my parole and gave the United States Quartermaster orders to give me transportation to Raleigh Court House. I went as a prisoner under guard and returned as a gentleman, thanks to good Governor Todd. Since I left the army, I have spent half a century in West Virginia, and have filled many civil offices and been instrumental in founding a new county and the improvement of West Virginia, and have ever aimed, by the grace of God, to present a good, religious, moral, temperance record to my fellow men.

"I have omitted my record as a friend of temperance. I had always kept up a division of the Sons of Temperance at Raleigh C. H., and think I saved my two eldest sons by this means.

"In October, 1839, I attended the session of the Grand Division of Virginia of 1839, at Lynchburg, which was composed of delegates representing 15,000 Sons of Temperance of Virginia, and I was elected Grand Worthy Patriarch of the Sons of Temperance and served during 1860, as Grand Worthy Patriarch. This I regard as the greatest honor I ever received from my fellow men. I laid the corner stone or rather dedicated the monument in honor of Lucien Munroe, a most distinguished son of the Order, at Williamsburg, Va., and then attended the session of the National Temperance Grand Division at Portland, Me., and ascended Mount Washington, New Hampshire, and

with my brethren of the National Division we held a temperance meeting, with a good many sisters of temperance, on top of the White Mountains."

WYOMING.

Wyoming county was formed from Logan, by Act of Assembly, January 26, 1850. The origin of the name is involved in obscurity. By some authorities it is said to be a corruption of the Indian *Maughwanwama*, signifying a plain, while others assert that it is a creation of the poet, Thomas Campbell, author of "Gertrude of Wyoming."

The Act providing for the formation of the county required the first court to be held at the residence of John Cook, and the seat of justice to be fixed on the lands of William Cook, Sr., on the Clear fork of Guyandotte river.

Oceana, the county seat, was incorporated February 16, 1871.

Captivity of Mrs. Jenny Wiley.—The following thrilling narrative is here inserted for the reason, if the capture was not made within the present limits of Wyoming, part of her wanderings while a captive were over its mountains and valleys.

For generations the story of the captivity of Mrs. Jenny Wiley has been transmitted from parent to child, until, to-day, the traveller would scarcely stop at the house of a descendant of one of the early settlers of the Big Sandy valley in which he would not hear it related. Yet no chronicler of the West has given it a place in frontier history. For this work all that can now be

learned respecting the adventures of this captive mother, has been obtained from her descendants. The facts were furnished by Judge Archibald Borders, judge of the court of Lawrence county, Kentucky, who at present resides near Peach Orchard, in that State, and who is a nephew of Jenny Wiley; Dr. G. Murray, of Louisa, Kentucky, whose stepmother was a sister; also by Mrs. William C. Crum, and Rev. John Jarrel, both of Wayne county, West Virginia, all unimpeachable authority in the matter.

The maiden name of the captive was Jenny Sellards. She married Thomas Wiley, a brother of the Wiley who lived on New river, in Giles county, Virginia, who had about the year 1780, settled and erected a cabin on Walker's creek in Washington—now Tazewell—county, Virginia. He removed his bride, and here they were living at the time of the capture. She had a sister living hard by who was married to John Borders, the father of Judge Borders before mentioned. There were also several families named Harmon in the vicinity, a number of whom were noted Indian scouts and frontier warriors. Thomas Wiley, the husband, was absent from home at the time of the capture, being engaged in digging ginseng, then an important article of traffic on the frontier. The year was 1790. The destruction of the Wiley family was the result of a mistake on the part of the savages. Some time previous, in an engagement with a party of Cherokees, one of the Harmons had shot and killed two or three of their number, and now a party of five returned to seek vengeance in the murder of Harmon and his family, but being ignorant of the exact location of his cabin, they fell upon that of the Wileys instead.

The day before the attack, Mr. Borders, mistrusting, from various indications, that Indians were prowling about the neighborhood, called on Mrs. Wiley and requested her to take her children and go to his house and there remain until her husband returned. She was engaged in weaving, and told him that as soon as she got the web out she would do so. In approaching the house, Mr. Borders found it very difficult to get his horse to pass a patch of hemp, and it was afterwards supposed that at the time the Indians were concealed within it.

The delay on the part of Mrs. Wiley was a fatal one. Dark came and with it the attack upon the defenceless family. The Indians rushed into the house, and after tomahawking and scalping a younger brother and three of the children, took Mrs. Wiley, her infant of less than two years, and Wiley's hunting dog, and started toward the Ohio river. At that time the Indian trail led down what is now known as Jenny's creek, and along it they proceeded until they reached the mouth of that stream, then down Tug and Big Sandy rivers to the Ohio.

No sooner had the news of the horrid murder spread among the inhabitants of the Walker's creek settlement than a party, among whom were Lazarus Damron and Mathias Harmon, started in pursuit. They followed on for several days, but failing to come up with the perpetrators of the terrible outrage, the pursuit was abandoned and all returned to their homes. The Indians expected to be followed, and the infant proving an impediment to their flight, they dashed its brains out against a beech tree, about two miles from Jenny's creek. This tree was standing and well known to the inhabitants during the first quarter of this century.

When the savages, with their captive, reached the Ohio, it was very much swollen; with a shout of O-high-o, they turned down that stream and continued their journey to the mouth of the Little Sandy. Up that stream they went to the mouth of Dry fork, and up the same to its head, where they crossed the dividing ridge and proceeded down what is now called Cherokee fork of Big Blain creek, to a point within two miles of its mouth, where they halted, taking shelter beneath a ledge of rocks. Here they remained several months, and during the time Mrs. Wiley gave birth to a son. At this time the Indians were very kind to her, but when the child was three weeks old they tested it to see whether it would make a brave warrior. Having tied the babe to a flat piece of wood they slipped it into the water, to see if he would cry. He screamed furiously, and they took him by the heels and dashed out his brains against a tree.

When they left this encampment, they proceeded down to the mouth of Cherokee creek, then up Big Blain to the mouth of Hood's fork, thence up that stream to its source; from here they crossed over the dividing ridge to the waters of Mud Lick, and down the same to its mouth where they once more formed an encampment.

About this time several settlements were made on the head waters of the Big Sandy, and the Indians decided to kill their captive and prepared for the execution, but when the awful hour came, an old Cherokee chief, who in the meantime had joined the party, proposed to buy her from the others on condition that she would teach his squaws to make cloth like the gown she wore. Thus was her life saved, but she was re-



PIONEERS CLEARING LAND IN THE BIG SANDY VALLEY.

duced to the most abject slavery, and was made to carry water and wood and build fires. For some time they bound her when they went out hunting, but as time wore away they relaxed their vigilance, and at last permitted her to remain unbound.

On one occasion, when they were all out from camp, they were belated and at nightfall did not return. Mrs. Wiley now resolved to carry into effect a long-cherished hope of making her escape and returning to her friends. The rain was falling fast and the night was intensely dark, but she glided away from the camp fire and set out on her lonely, perilous journey. Her dog, the same that had followed the party through all their wanderings, would have followed her, but she drove him back, lest by his barking he might betray her into the hands of her pursuers. She followed the course of Mud Lick creek to its mouth and then crossing Main Point creek, journeyed up the stream which has ever since borne her name, a distance of seven or eight miles to its source, thence over a ridge and down a stream, now called Little Paint creek, which empties into Louisa fork of Big Sandy river. When she reached its mouth it was day dawn, and on the opposite side of the river, a short distance below the mouth of John's creek, she could hear and see men at work erecting a block house. To them she called and informed them that she was a captive escaping from the Indians, urging them to hasten to her rescue, as she believed her pursuers to be close upon her. The men had no boat, but hastily rolling some logs into the water and lashing them together with grape vines, they pushed over the stream, and carried her back with them. As they were ascending the bank, the old chief who had claimed Jenny as

his property, preceded by the dog, appeared upon the opposite bank, and striking his hands upon his breast, exclaimed in broken English : " Honor, Jenny, honor," and then disappeared in the forest.

That was the last she ever saw of the old chief or her dog. She rested a day or two from her fatigue, and then with a guide made her way back to her home, having been in captivity more than eleven months. Here she joined her husband, who had long supposed her dead, and together, nine years after—in the year 1800—they abandoned their home in the Old Dominion, and found another near the mouth of Tom's creek on the banks of the Louisa fork of Big Sandy. Here her husband died in the year 1810. She survived him twenty-one years.

The Indians had killed her brother and five of her children, but after her return from captivity five others were born, namely : Hezekiah, Jane, Sally, Adam and William. Hezekiah married Miss Christine Nelson, of George's creek, Kentucky, and settled on Twelve-pole river, where he lived for many years; he died in 1832, while visiting friends in Kentucky. Jane married Richard Williamson, and also settled on Twelve-pole. Sallie first married Christian Yost, of Kentucky, and after his death was united in marriage to Samuel Murray ; she died March 10, 1871 ; William reared a family in the valley of Tom's creek, Kentucky, and Adam also remained in that State.

PLEASANTS.

Pleasants county was formed from Wood, Tyler and Ritchie, by Act of Assembly, March 29, 1851, and named in memory of James Pleasants.

JAMES PLEASANTS was born in Goochland county, Virginia, in 1769, and after receiving a common school education, studied law in the office of the distinguished William Flemming. In 1796, he was chosen to represent Goochland county in the General Assembly, and was chosen Clerk of that body from 1803 to 1810, when he was elected a member of Congress, in which body he occupied a seat from 1811 to 1819. December 1, 1822, he was elected Governor of Virginia, and by successive reelections served until 1825. He twice declined judicial honors and died in his native county, November 9, 1836.

St. Mary's, the county seat, was incorporated March 31, 1851, and William Dils and John Logan were appointed commissioners to hold the first municipal election. The town was then in Wood county.

UPSHUR.

Upshur county was formed from Randolph, Barbour and Lewis, by Act of March 26, 1851, and named in honor of the lamented Abel P. Upshur. He was born in Northampton county, Virginia, June 17, 1790, and was educated at Yale and Princeton. He studied law in the office of the distinguished William Wirt, at Richmond, and, after representing his native county in the General Assembly was, in 1826, appointed one of

the judges of the General Court, and served as a member of the Constitutional Convention of 1829-30. September, 1841, he became Secretary of the Navy, but in 1843 was transferred to the office of Secretary of State, in which capacity he was serving when killed on board the steamer Princeton, at Mount Vernon, sharing the sad fate of Thomas Walker Gilmer, Secretary of the Navy.

Buckhannon—then in Harrison—was legally constituted a town, January 15, 1816, on lands of Robert Patton, Jr., with Joseph Davis, Jacob Lawrence, Philip Reger, John Jackson, John Reger, Benjamin Reeder and John McWhorter, trustees.

CALHOUN.

Calhoun county, the area of which is 260 square miles, was created by Act of Assembly passed March 5, 1856. It provided that so much of the lower part of Gilmer as lies within the following boundaries: "Beginning at the west fork of the Little Kanawha where the Gilmer and Wirt county line crosses the same; thence up the West fork to the mouth of Henry's fork; thence up said Henry's fork to the mouth of Beech fork; thence with the dividing ridge between said Beech fork and Henry's fork to the Gilmer county line; thence to include all the waters of said West fork within the county of Gilmer to the Gilmer, Ripley and Ohio turnpike to the head of Cromley's creek; thence with said turnpike to the mouth of Bear fork of Steer creek; thence a straight line to the head of Muscle Shoals of the Little Kanawha river; thence by the

shortest line to the top of the dividing ridge between the waters of Tanner's fork and Laurel creek to the Ritchie county line and the Wirt and Gilmer county line to the place of beginning, shall be and the same is hereby established a new county, to be called Calhoun." The county was named in honor of John C. Calhoun, so distinguished in American politics.

The First County Court convened at the house of Joseph W. Burson, April 14, 1856. The following justices composed it: Hiram Ferrell, Daniel Duskey, H. R. Ferrell, Joshua L. Knight, Absalom Knotts, George Lynch and William A. Brannon. James N. Norman qualified as the first high sheriff of the county. He named Alpheus Norman and Philip Norman as his deputies, which appointments the court approved. By a *viva voce* vote, George W. Silcott was elected to the office of clerk. After the transaction of other miscellaneous business, the court adjourned to meet, in September next, at the house of Peregrine Hays, where Arnoldsburg now stands.

The First Circuit Court held for the county convened on the 6th day of October, 1856, Judge Matthew Edmiston presiding. At this court the first grand jury was impaneled. The following gentlemen composed it: Alexander Huffman, foreman: Jasper Ball, John H. Johnson, James P. Hunt, Daniel Nichols, Francis Robinson, Nicholas Poling, Daniel Stallman, Silas Petit, Joseph Hayhurst, Lemuel Haverty, Isaac Starcher, Andrew Mace, Arnold Snider, Peter M. McCune and Anthony Conrad. The jury retired to consider of its presentments, and shortly reported three true bills of indictment. Some other unimportant business being transacted, the court adjourned.

Capture of Pedro and White by the Indians.—In the month of September, 1777, Leonard Pedro and William White were watching the Indian warpath which led up the Little Kanawha. It was probably within the limits of the present county of Calhoun that they, having eaten a late supper, lay down to rest and were soon fast asleep. During the night White awakened and discovered Indians near. He whispered to his companion to lie still, hoping they might escape notice; but the Indians sprang upon them. White pretended great friendship, and tried to impress the Indians with the opinion that he was glad to see them, but the savages were not to be deceived. Both men were bound, and at daylight Pedro was painted black, which signified that he was to be burned, and White red. The Indians then returned to their towns with the captives. White soon managed to escape, and on foot began the long march for home. Meeting an Indian on horseback, he shot him and appropriated his horse. Pedro was never after heard of.

Pioneers.—In 1810, Philip Starcher built his cabin where Arnoldsburg now stands. Soon after he was joined by Peter Cogger, Isaac Mace, William Brannon, Peter McCune and Adam O'Brien, all of whom found homes on the West fork of the Little Kanawha. The first settler in what is now Sheridan district was James Mayes, who built his cabin on the Little Kanawha in 1814. At that time his nearest neighbor was thirteen miles distant. He was soon followed in his wild retreat by Benire Mayes, James Niler, Audrey Sharpe and Stephen P. Burson. In 1815, Peter McCune settled in the valley of the West fork of the Kanawha. The solitude of his retreat was soon broken, Anthony Par-

sons, Thomas Cottrell, Barnabas Cook, George Conley and Thomas P. Brannon finding homes near him. No settlement was made in what is now Sherman district until 1830, when John Haverty and John B. Goff located on the Little Kanawha.

The County Seat.—In no other county in the State has there been so much difficulty regarding the permanent location of the seat of justice as in this. The act creating the county provided for its location either at Pine Bottom at the mouth of Yellow creek, or at Big Bend on the Little Kanawha, a vote of the people to decide between the two places. Further, it required the first court to be held at the house of Joseph W. Burson. This last requirement appears to have been about the only one which was regarded, for when the first court adjourned, it was to meet—not at Pine Bottom or Big Bend, but at the residence of Peregrine Hays, on the West fork. Accordingly the second court convened at that place, September 9, 1856, and here it was held until 1857. But in August of that year *two courts were in session at the same time*, one at Arnoldsburg and another at the house of Collins Betz, on the Little Kanawha. For the purpose of effecting a reconciliation between the opposing factions, it was decided that the courts should be held at the mouth of Yellow creek—now Brookville. A contract for the erection of a court house at that place was let to E. McClosky, who for the sum of \$675 erected a neat frame structure. But legal proceedings were now instituted, and on the 15th of June, the court again convened at Arnoldsburg, and here it continued to be held until 1869. It now seemed that the matter was settled. The erection of a substantial brick building was begun

at Arnoldsburg. But after the basement story had been completed—all of cut stone, at a cost of \$1500—the question was once more agitated and another move made, this time to Grantsville. Here a frame court house was erected, but burned to the ground before it was occupied. Another arose upon its ruins and was occupied until 1880, when a brick building was erected at a cost of \$8400. A lawyer who settled in the county at the time of its formation, but later removed to an adjoining county, said that he was compelled to do so for he “had been broken up trying to keep up with the county seat.”

Grantsville, the county seat, is on the north bank of the Little Kanawha. The first improvement on the site was made by Eli Riddle, more than half a century since. The town was laid out by Simon P. Stump, and became the county seat in 1869.

Arnoldsburg, on the north side of Henry's fork, derives its name from Charles Arnold, who patented the land on which it stands. A post-office was established here in 1832, and the same year the first school was taught by Charles Arnold. Peregrine Hays was the first merchant. He began business in 1833.

CLAY.

Clay county was created from parts of Braxton and Nicholas, by act of March 29, 1858, and named in honor of Kentucky's favored son, Henry Clay.

The First Circuit Court convened October 21, 1858, Judge E. B. Bailey presiding. The first county court was held July 12, 1858, the following justices compos-

ing it: N. W. Shannon, William H. Ewing and William G. Fitzwater. The first county officers were: Sheriff, C. C. Campbell; Prosecuting Attorney, Joseph H. Rolinson; Clerk of Courts, Jacob Salisbury; Assessor, Thomas McQuain; Surveyor, Clayburn Pinson.

Henry.—The act creating the county declared that the seat of justice should be on the McCalgin farm, opposite the mouth of Buffalo creek, and be known by the name of Marshall. But an act of the Legislature, passed October 10, 1863, changed the name of the town from Marshall to Henry.

ROANE.

Roane county was formed in 1856, from portions of Kanawha, Jackson and Gilmer, and its own name, and that of its seat of justice, Spencer, commemorate that of him whose life and public services added lustre to the annals of Virginia jurisprudence. He was appointed Judge of the Supreme Court of Appeals of Virginia, April 13, 1795, to fill the vacancy occasioned by the resignation of Henry Tazewell, and served continually until his death in 1822, when he was succeeded by John W. Green.

J. P. Tomlinson carried the petition asking for the formation of the county to Richmond, and laid it before the Assembly. He was a native of one of the counties of lower Virginia, and when a boy was engaged in teaming. On a certain occasion his wagon stuck fast in the mud; while working to get it out, a gentleman rode up, and, alighting, assisted the boy in getting out of the difficulty. That man was Judge

Spencer Roane, then on his way to attend court in one of the tidewater counties. Tomlinson never forgot the kindness, and when the county was formed he asked that it be named Roane. Thus the distinguished jurist, by one kindly act, secured the perpetuation of his name in that of one of the counties of West Virginia.

The First Circuit Court convened at the house of M. B. Armstrong, in Spencer, October 20, 1856, with Hon. George Summers, Judge of the Eighteenth Circuit and Ninth Judicial District, presiding.

Spencer, the county seat, is situated in the Spring Creek valley, within a survey of 6000 acres, patented by Albert Gallatin, in 1787. The land afterward became the property of J. P. R. Bureau, once a prominent business man of Gallipolis, Ohio, and one of the French colonists who settled that place in 1791. The town is distant fifty miles from Charleston and sixty-seven and one-half from Weston.

The first settlers upon the spot came in 1812. They were Samuel Tanner, his wife, one child, and a man named Wolf, who lived in Tanner's family. Their first residence was beneath a shelving rock, within a few yards of the present residence of Hon. J. G. Schilling. The Tanner family thought it, no doubt, a comfortable lodging in a trackless wilderness. The birth of the first white child born here occurred in this cave; it grew to an adult age and yet survives.

In 1813, Mr. Tanner erected his cabin near the spot on which the residence of M. W. Kidd, ex-Clerk of the Circuit Court, was afterward built. In 1814, other pioneers came and settled on Spring creek, two miles below Spencer. In 1817, the spot was visited by a

Baptist minister, who preached the first sermon in the cabin of a Mr. Greathouse, and the same year a Methodist minister established an appointment at the house of Mr. Tanner. The first grist mill was built in 1818. It was a water mill with a capacity for cracking about eight bushels of corn per day. The patience of the pioneer was supposed to have stood the crucial test if he had waited for his grist at Runion's mill.

William Armstrong, J. S. Spencer and John Shedd were among the first teachers.

In 1816, the name of Tanner's Cross roads was bestowed upon the place, suggested by the fact that two paths bisected each other here. Thus the place was known until 1839, when a man named Raleigh Butcher, residing on Reedy creek, sold his property, intending to go to California, but instead of removing to that far-off land, came to where Spencer now stands, where, in 1840, he erected a large frame house, and the place became known as New California, because it was the place at which Raleigh Butcher stopped. By this name it was known until March 15, 1858, when it was incorporated under the present name. The town was almost entirely destroyed by fire in the summer of 1887.

TUCKER.

Tucker county was formed from Randolph by act of March 7, 1856, and was named in honor of St. George Tucker, the eminent Virginia jurist, while the seat of justice derives its name from St. George Tucker, who was Clerk of the House of Delegates at the time the county was formed. The act creating the county

required it to be located on the east side of Cheat river, on the lands of Enoch Minear.

Pioneers.—The first settlers within the county appear to have been John and Jonathan Minear, who came in 1776. The former reared his cabin near the present site of St. George, while the latter found a home on the opposite side of the river. Soon after a Mr. Simms settled about three miles farther up the river on the west side. Other early settlers were the Parsons and Goffs. Jonathan Minear and Simms both fell victims to savage butchery.

McDOWELL.

McDowell county was formed from Tazewell in compliance with an act of Assembly passed February 28, 1858, and named in honor of James McDowell. He was born at Cherry Grove, Rockbridge county, Virginia, October 11, 1795, and was educated at Yale and Princeton, after which he read law in the office of the eminent Chapman Johnson at Staunton. He represented Rockbridge county in the General Assembly in 1831, and frequently thereafter until 1841, when he was elected Governor of Virginia; but before his term expired he was elected to a seat in Congress, in which capacity he served his native State until his death, which occurred August 24, 1851.

The act creating the county declared that the seat of justice should be called Peerysville, and Henry D. Smith, of Russell county; Charles C. Calfee, of Mercer; and John C. Graham, of Wythe, were appointed to locate the same. The following commissioners were appointed

to divide the county into magisterial districts: G. W. Payne, Guy T. Harrison, Samuel Lambert, Thomas A. Perry, Elias V. Harman and Henry T. Peery.

WEBSTER.

Webster county was formed from Nicholas, Braxton and Randolph, by Act of January 10, 1860, and named in honor of Daniel Webster.

The act creating the county located the seat of justice on lands of Addison McLaughlin, at Fork Lick, of Elk river, and declared that it should be known by the name of Addison. The name of "Fork Lick," however, continued to be applied until March 21, 1873, when the Legislature enacted "that the town of 'Fork Lick,' in Webster, shall hereafter be known by the name of Addison."

GRANT.

Grant county was formed from Hardy by an Act of February 14, 1866, and named in honor of General U. S. Grant.

The Fairfax Stone, of which an extended notice will be found in Part I. of this work, is situated in the extreme western angle of this county. It marks the southwestern limit of Maryland, which is determined by the head spring or fountain of the Potomac. The stone was planted on the 17th of October, 1746.

MINERAL.

Mineral county was formed from Hampshire, by Act of February 1, 1866, and named from the vast mineral resources within its limits.

Piedmont, "Foot of the Mountain," was laid out by the New Creek Company and Owen D. Downey, and incorporated by act of the Legislature, February 20, 1856.

LINCOLN.

Lincoln, the third county formed after the organization of the new State, has an area of 460 square miles. It was but two years after the sound of war died away that the county began her existence. On the 23d day of February, 1867—the fourth year of the Commonwealth—a bill was passed by the Legislature entitled "An Act Establishing the County of Lincoln out of parts of the Counties of Cabell, Putnam, Kanawha and Boone." The county was called Lincoln in honor of the chief magistrate of the United States.

The first meeting of the Board of Supervisors was held on the 11th day of March, 1867, in what was known as Hamlin chapel, an old church which stood on the Curry farm, about one-fourth of a mile above the present county seat. There were present: William C. Mahone, of Carroll District; John Scites, of Sheridan, and William A. Holstein, of Duval. W. C. Mahone was made president, and Benjamin F. Curry, clerk, the latter giving bond in the penalty of \$2000, with James A. Holly and Jeremiah Witcher as his securities. It was then ordered that the Board of Supervisors have the White Hall

—a Southern Methodist church one-fourth of a mile below where the county seat now stands—arranged for holding the courts until the proper buildings could be erected, George A. Holton and a majority of the trustees consenting thereto.

The first Circuit Court ever held in the county convened on the 1st day of April, 1867, William L. Hindman, Judge of the Eighth Judicial Circuit of West Virginia, presiding. On the 8th of March previous he had appointed Benjamin F. Curry clerk of the court.

W. H. Tomlinson, James H. Ferguson, T. B. Kline, W. H. Enochs, A. Vance and L. A. Martin were, on their own motion, granted license to practice law in the courts of this county. Judge Hindman then appointed L. A. Martin to prosecute in behalf of the State. He took the oaths as prescribed by law, and then, on his motion, James H. Ferguson was appointed his assistant.

It was at this time that the first grand jury that ever sat as a jury of inquest for the body of Lincoln county was impaneled. It was composed as follows: E. F. Harmon, foreman; Anderson Bias, B. B. Wilkinson, D. M. F. Keenan, James Johnson, Henderson Drake, Henry Peyton, J. D. Smith, Hiram Adkins, Goldsberry Adkins, Andrew Adkins, Mathias Plumley, William Cooper, Anderson Adkins, Adam Cummings, Joseph A. Griffith, Zachariah Priestly, William Pauley, Peter Holstein, Silas Elkins and Henry B. Griffith. After receiving their instructions, they retired to consider of their presentments. Soon they returned and reported two true bills of indictment, one of which was against R. M. Lusher for obstructing the highway leading from Barboursville to Logan Court House. There being no further business, the court adjourned, and Lincoln county entered upon

her career as a component part of the "Little Mountain State."

Pioneers.—The first settlement within the county the date of which can be ascertained was that made by Jesse McComas, John McComas, David McComas, William and Moses McComas, all of whom came in the year 1799. In the summer of that year they cultivated twenty acres of corn, probably the first ever grown in the Upper Guyandotte Valley. In the autumn they returned east of the mountains and brought their families. Near them other cabins were soon reared by John Lucas, William Hinch and John Johnson. About the year 1800, Isaac Hatfield settled on Ranger's branch, a tributary of Ten-mile creek, and James Hatfield, William Smith and John L. Baker soon came to reside in the same vicinity. In 1807, Luke Adkins found a home near the mouth of Slash creek, on Mud river, twelve miles southeast of the present site of Hamlin. Near him other cabins were reared by his brothers, John and Mark, William and Richard Lovejoy, William Cummins, Mathias Plumley, Silas Cooper, Hamilton Adkins, Peter Holstein, William Smith and William Cooper. In 1801, John Tackett removed his family to a cabin on Trace-fork creek. Other early settlers along the same stream were James Wells, Jonathan Williams, Joseph Holley, James Alford, Reuben Cremeans, Abraham Smith and George Alford. In 1811, Richard Parsons led the way into the wilderness and settled at the mouth of Cobb's creek. Those who came to reside near him on that stream were Eli Parsons, Samuel M. Midkiff and James Lively.

Hamlin, the county seat, was named in honor of Hannibal Hamlin, who was Vice-president under him

for whom the county was named. Section seventh of the act creating the county provided that the county seat should be on lands of Charles Lattin. At that time the spot was an old brier field, it having been cleared by David Stephenson, who patented the land and erected a cabin about the year 1802. He afterward sold it to James Fullerton. The land afterward passed into the possession of Linzie Cremeans, who, after occupying it for a time, sold it to Walker J. Sanford, who in turn sold it to James C. Black, who transferred it to James Ballard, from whom it passed to John Likens, and through him to James A. Holley, who about the beginning of the Civil War transferred it to Charles Lattin.

The first building erected after the town was laid out was the county jail, in 1867.

Hamlin was made the permanent county seat by legislative enactment February 26, 1869.

SUMMERS.

Summers, the last county formed in the State, was created from Monroe, Mercer, Greenbrier and Fayette by act of February 27, 1871, and named from George W. Summers, who was born in Fayette county, Virginia, March 4, 1804, and accompanied his parents to the Kanawha Valley when but an infant. He graduated at the Ohio University, and having read law with his brother, Judge Lewis Summers, was admitted to the bar in 1827. In 1830, he was elected to the General Assembly from Kanawha county, and in that capacity served ten years, when he was elected to Congress, taking his seat in 1841, and was reelected

in 1843. He was a member of the Constitutional Convention of 1850, and the Whig candidate for Governor in 1851. In 1852, he was elected Judge of the Eighteenth Judicial Circuit of Virginia, but resigned in 1858. In 1861, he represented Kanawha county in the Virginia Convention which passed the Ordinance of Secession, a measure he earnestly opposed. He died in September, 1868.

Hinton, the county seat, was laid out on lands of John Hinton, at the mouth of Greenbrier river, and here, in the Greenbrier Baptist Church, the first court was held. The town was incorporated September 21, 1880. The first county officers were: Sheriff, Evan Hinton; Clerk of Circuit and County Courts, Josephus B. Pack; Prosecuting Attorney, Carlos A. Sperry; Surveyor, Joseph Keaton; Assessor, Allen H. Meador; Superintendent of Schools, John H. Pack. The first Justices were Allen L. Harvey, Joseph Grimmett, T. J. Jones, William Meadows and James Farley. The first supervisors were William Haynes, E. J. Gwinn, Joseph Cox and James Houchins.

The West Virginia Stone in the Washington Monument was taken from a quarry near Hinton, in this county—the same from which the stone used in the construction of the Chesapeake and Ohio Railway docks at Newport News was obtained. It was prepared under the supervision of Hon. W. K. Pendleton, of Bethany College, who, in addition to the coat-of-arms of the State, had placed upon it the following inscription:—

“Tuum nos sumus Monumentum.”

The block, two by four feet, was received in Washington, February 2, 1885, and is placed in the wall more than two hundred feet above the floor of the shaft.

COUNTIES.—AREA IN SQUARE MILES AND SEATS OF JUSTICE.

COUNTIES.	AREA.	SEATS OF JUSTICE.
Barbour,	360	Philippi.
Berkeley,	320	Martinsburg.
Boone,	500	Madison.
Braxton,	620	Sutton.
Brooke,	80	Wellsburg.
Cabell,	300	Huntington.
Calhoun,	260	Grantsville.
Clay,	390	Henry.
Doddridge,	300	West Union.
Fayette,	750	Fayetteville.
Gilmer,	360	Glenville.
Grant,	520	Petersburg.
Greenbrier,	1000	Lewisburg.
Hampshire,	630	Romney.
Hancock,	100	New Cumberland.
Hardy,	700	Moorefield.
Harrison,	450	Clarksburgh.
Jackson,	400	Ripley.
Jefferson,	250	Charlestown.
Kanawha,	980	Charleston.
Lewis,	400	Weston.
Lincoln,	460	Hamlin.
Logan,	800	Lawnsville.
McDowell,	860	Peerysville.
Marion,	300	Fairmont.
Marshall,	240	Moundsville.
Mason,	430	Point Pleasant.
Mercer,	400	Princeton.
Mineral,	300	Keyser.
Monongalia,	360	Morgantown.
Monroe,	460	Union.
Morgan,	300	Berkeley Springs.
Nicholas,	720	Summersville.
Ohio,	120	Wheeling.
Pendleton,	650	Franklin.
Pleasants,	150	St. Marys.
Pocahontas,	820	Huntersville.
Preston,	650	Kingwood.
Putnam,	320	Winfield.
Raleigh,	680	Beckleyville.
Randolph,	1080	Beverly.
Ritchie,	400	Harrisville.
Roane,	350	Spencer.
Summers,	400	Hinton.
Taylor,	150	Grafton.
Tucker,	340	St. George.
Tyler,	300	Middlebourne.
Upshur,	350	Buckhannon.
Wayne,	440	Trout's Hill.
Webster,	450	Addison.
Wetzel,	440	New Martinsville.
Wirt,	290	Elizabeth.
Wood,	375	Parkersburg.
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